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THE ANNALS OF
THE AMERICAN ACADEMY OF POLITICAL
AND SOCIAL SCIENCE

Vol. XLVII

MAY, 1913

Whole No. 136

*County
Government*

Issued Bi-monthly by the American Academy of Political and Social Science,
Philadelphia, Pa. PER YEAR, \$6.00, PER NUMBER, \$1.00

Entered at the post-office at Philadelphia as second-class matter, 1890

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 WEST PHILADELPHIA STATION, PHILADELPHIA, PA.

COUNTY GOVERNMENT



THE ANNALS

VOLUME XLVII

MAY, 1913

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AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE
36TH AND WOODLAND AVENUE, PHILADELPHIA

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ENGLAND P. S. King & Son, 2 Great Smith St., Westminster, London, S. W.

FRANCE: L. Larose, Rue Soufflot, 22, Paris

GERMANY: Mayer & Müller, 2 Prinz Louis Ferdinandstrasse, Berlin, N. W.

ITALY: Giornale Degli Economisti, via Monte Savello, Palazzo Orsini, Rome

SPAIN: E. Dossat, 9 Plaza de Santa Ana, Madrid

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This volume was suggested, and a tentative table of contents submitted, by Mr. H. S. Gilbertson, of The National Short Ballot Organization. Professor John A. Fairlie, of the University of Illinois, also rendered invaluable assistance in suggesting topics and contributors. With these suggestions as a basis, the volume was prepared and edited by Clyde Lyndon King, Ph.D., Assistant Editor.

PART ONE



TYPES OF COUNTY GOVERNMENT

ELEMENTS OF THE COUNTY PROBLEM

By H. S. GILBERTSON,

Assistant Secretary, The National Short Ballot Organization.

Municipal reform in America got on its feet when cities began to think of their problems as a unit, and to apply the appropriate remedy on that basis. When, for example, Galveston, Des Moines and more than two hundred other municipalities adopted commission government, many of their difficulties proved to be surface manifestations of fundamental faults of organization. They changed the structure of the municipal government, making a complete new alignment to the facts of citizenship. And the simplified plan brought about, not instant and thorough-going reform in every branch of public business, but at least the prime essential condition under which such reform could be instituted. Good citizenship acquired a new and efficient instrument, through which there was direct and unmistakable responsibility to the people and the corresponding power to execute their wishes.

County government has just begun to be treated in the same fundamental fashion, through such measures as the new county charter in Los Angeles, the new city and county charter in Denver, and other more general legislation, which seeks to adapt some of the principles of commission government to counties. This means that problems arising within the county have begun to be regarded as a unit—the problem of the county.

Symptoms of Inefficiency

But, before dealing with the structure of county government, it may be well to suggest in passing a few of the typical superficial conditions which have suggested this study.

From New Jersey emanate accounts of the breakdown of the jury system, yet the sheriffs of that state, burdened with the task of impanelment, frantically endeavored this year to stay legislation which would take this function out of their control. Hudson county in that state has distinguished itself by retaining for a year in an important fiscal office a person who had been convicted of crime.

Some five years ago several counties in New York State were afflicted with a leaping and bounding tax rate. The state comptroller sent his examiners into five or six of them, and in at least one, he found a practically wide open treasury which could be picked at the instance of half a dozen elective county officers, with no one raising a dissenting voice. In one county, by a series of resolutions directly contrary to law, the board of supervisors actually abdicated its principal function as auditor of the county bills, to an appointive employee who served without bonds and was subject to no check whatever beyond a perfunctory examination. Vouchers for public expenditures in several counties were found to be burned; sometimes stuffed away in barrels in an utter lack of sequence or order. Officers like the county clerk or county treasurer had for years been pocketing fees which the statutes plainly stated were the property of the state.

The treasurer of Cook county, Illinois, some months ago flatly denied permission for a public examination of his office—until an account of his attitude was made a matter of general knowledge through a report from the Bureau of Public Efficiency. The coroner's office in the same county, investigated by the same agency, revealed a singular looseness in its methods.

From many of the states came something more than intimations of the inferior grade of men sitting in places of authority on the county board.

Counties show a backwardness in civil service reform; so that in New York State, where civil service was applicable to cities since 1883, it was not extended to counties until 1900. Non-partisanship in elections, long since generally recognized as an axiom in good city government, has never been seriously discussed in relation to counties. The county machine politician, on the whole, appears to be still quite firmly in the saddle.

In all these seemingly unrelated and superficial ailments there is nothing startling nor peculiar to counties. But, in a cumulative way, they voice the lack of popular interest in the whole subject of the county, which in its turn has, quite naturally, brought forth the typical and familiar symptoms of weak, inefficient government which have a way of cropping out wherever the covering is thinnest.

Outworn Types of Organization

This is not, however, to say that the present failings of county government are due to quite the same ultimate interests which have lowered efficiency and public morality in the cities and states. For, while the counties have undoubtedly suffered from their business graft, and dark scandals have been frequent in connection with house and road construction, supply contracts, and other activities, the trouble seems to be political rather than social. More than in any one respect, the county has failed in adapting its general form of organization to the varying conditions of modern citizenship. Historical factors appear to have furnished a larger and more conservative part in the shaping of county government than in the government of any other political division. Conceived in the colonial period, when rural and town life prevailed, counties have retained substantially their original form. The divergence of types in different states follows not so much the changing wants of the community as the particular slant which tradition has given it. Thus New York State clings to the township system, evidently not because it answers to the present distribution of population into rural and urban communities, but because it originally met the requirements of the northern colonies. Contrariwise, the South, in spite of rapid urban growth, clings to its commissioner system,—a heritage of aristocratic colonial days; and the middle and far west, in which the northern and southern influences have coalesced, have adopted a variety of combinations of the two forms, or, as in Illinois, given the separate communities an option between them.

While the county forms have been crystalizing, hundreds of cities, like Kansas City, Omaha, and Chicago, have sprung up in the middle of the plains, and have developed a mechanism of government suitable, in some degree, at least to the complex needs of their compact and varied population. In nearly every one of these cases, an antique county organization is retained. The inevitable result is a duplication of functions, conflict of authority and wasted effort.

Sometimes it is in the police establishment, as in Los Angeles, where the framers of the new county charter found the sheriff, the constables, and the municipal police forces operating side by side, each on his own distinct and independent authority. Even in New York county the authority of the large, and in most respects efficient,

police force, is subject to dispute at the hands of the sheriff, as in the case of a recent strike.

Much of the same situation exists in some parts of the country with reference to the school system, wherein there are excellent opportunities for disputes between the county and the city superintendents in the same municipality. The dispensing of aid to indigents is often portioned out between the county and the town and a rather humorous distinction is made, in New York and the New England states, between town poor and county poor. Cities and counties sometimes duplicate each other's machinery in the assessment and collection of local revenue, sometimes even assessing the same property at wide differences of valuation.

Relation to the State Government

Undoubtedly, these faults are due, at bottom, to the policy of legislative centralization which, with the exception of California since the adoption of the home-rule amendment, is universal with the states. The many matters of routine that come within the purview of county offices call for a certain uniformity of procedure, as in the case of the public records of property transfers and court transactions. But, instead of stopping here, the states have taken it upon themselves to regulate and standardize by statute and even by constitution many questions of organization which would better be dealt with by local authorities in the light of local needs. So that, from mandatory salary legislation and from the creation of needless statutory positions, the counties have suffered quite as much from foreign control as the cities. And the greatest inconsistency on the part of the states is in that, having gone so far in a legislative way, they have exercised so little direct regulation over accounts, collection of taxes, civil service and the administration of justice. Upon its written laws the state casts the whole responsibility for the protection of life and property, its first duty to its citizens. The whole complex machinery for executing these functions, apart from this impersonal legislation, has but a local relationship until, by some extremity, it gets involved in litigation in one of the state courts.

Structural Defects

In its internal organization, too, the county is a victim of disintegrated responsibility. The great wave of democracy which swept

over the country in the middle of the last century called for the election of as many officers as the legislatures could be persuaded to put on the ballot. County offices were especially vulnerable to this tendency for several reasons. The demands which they made upon the intellects and the energies of their incumbents seemed not onerous; and, especially in the rural districts, the people regarded it not only as a sacred duty but an inalienable right to hold some county office at least for one term during a lifetime. They regarded short terms and rotation in office as the very essence of democracy.

And so the county ticket, in the municipalities at least, often contributed more toward the familiar evils of the long-ballot system than any other single factor. Rural voters, doubtless, do know their candidates, but, because of the practice of legislating uniformly for county government, the cities had to take the long county ballot because the farmers demanded it.

But even in the country counties some of the most deep-seated evils of the system inevitably arise. And this is the central difficulty: Whenever an officer is elected by the people, by that very fact he stands upon an independent basis. When several important officers are thus independently elected, there can be no real unifying authority which can force harmony of action. This is illustrated by the case of the coroner, who in many states is an elective officer.¹ The Cleveland Municipal Association, in their excellent report upon this office found that the coroner was often a serious obstacle to the administration of criminal justice, because the district attorney, who was an officer of equal rank and independence, did not have any adequate power to keep him from ignorantly or maliciously covering up evidences of crime in cases of violent death.

As a substitute for the natural form of control through personal subordination, which is the rule in every effective organization, there has been developed a form of control by litigation. The board of supervisors, for example, is recognized by law as the official head of the county. But this board must perform many of its functions through elective subordinates. The common way to enforce its authority is to take action on the officer's bond, perhaps with the aid of the district attorney, who is also usually elective. This, of course, is a drastic method which in practice is resorted to only infrequently; and for minor delinquencies, and for the purposes of enforcing posi-

¹See paper in this volume on "The Coroner's Office."

tive continuous efficiency, the law makes no provision at all. Surely, this is "government of laws not of men" reduced to the point of absurdity.²

Civic Aspects

The long-ballot system places the county in an unfortunate position from the standpoint of the citizen. The chief concerns of counties in the past, in so far as they affected the incorporated municipalities within their limits, have been undebatable matters. Nearly all of the work of the county clerk, the sheriff and the recorder of conveyances concerns the small minority of the whole body of people who, in the course of the year, prepare for matrimony, transfer real estate or are haled into court. In these offices the average citizen cannot be expected to take any great interest. To him they represent no public policies. To him, in fact, the whole matter of county government is a considerable bore. It is this element of obscurity which has given the professional county politician his golden opportunity. The citizen cannot or will not elect the officers, so the boss obligingly—for considerations—takes over that function himself. After election, too, he supplies the natural demand in the county organization for a personal, visible, even though unofficial and extra-legal head. The system is expensive; and it is far-reaching in that it supplies one of the chief elements in the state "machine."

Constructive Phases of the Problem

But lest the analysis of this subject bring on a deep melancholy, it may be suggested that the county problem is not only soluble but is already on the way to practical solution in several of its phases. To begin with, one state, California, has found a workable method of making the county organization adaptable to a vast disparity of local conditions, with apparently no menace to the proper control of the central government over its civil divisions. The legislature of California in 1911 had come to know that there were a number of subjects which the local electorate and the local authorities in the

² The counties of the first class (Hudson and Essex) in New Jersey have an officer known as "county supervisor," who has powers analogous to those usually conferred upon the mayor of a city not of the "commission government" type. This official keeps the board of chosen freeholders informed as to the state of the county finances, attends to the enforcement of laws, supervises the subordinate officers and holds the veto power. (*Public Laws of 1900*, pp. 168, 191, 193.)

fifty odd counties could pass upon far more intelligently than legislators resident in a section of the state perhaps seven hundred miles away. The cities of California for over thirty years had enjoyed the privilege of managing for themselves all their strictly local affairs under the "home rule" provisions of the constitution, and had thrived under the system. The counties, on the contrary, were enthralled by the theory that they were mere civil divisions of the state and must be rigidly controlled by state authority. The legislature of 1911 saw the county problem in a new light. So they submitted to the people a proposition for limited constitutional home rule for counties, which made it possible for the local constituency to decide upon the structure or form of their own government, and to control the county officers as they saw fit. The amendment was adopted in October, 1911.³

The procedure under the California constitution by which a new county charter may be adopted is very similar to that which has been employed, for thirty-four years, in the cities. On petition of fifteen per cent of the electors or on the initiative of the board of supervisors, an election of a board of fifteen freeholders is held. The freeholders draft a charter, which is submitted to the people for ratification. This document must then go to the legislature for approval or rejection, as a whole, a merely formal step, since no legislature in thirty-three years of municipal home rule has ever rejected a charter or an amendment to one.

The central feature of this amendment is the power which it gives the locality to determine whether the officers of the county, except the board of supervisors, shall be elective or appointive, and, if appointive, to determine the manner of appointment.

The Los Angeles Charter

It is this power over the method of the selection of officers which gives the freeholders the key to a new plan of organization peculiarly adapted to the needs of their county; an advantage the charter framers in Los Angeles county, who were the first to take advantage of the amendment, were quick to seize. The charter which they submitted and which the people ratified on November 5, 1912, as

* For the constitutional provisions in California constitution see paper in this volume on "County Home Rule in California."

embodying a new conception of county organization is worth reviewing:

Primarily, the old notion that every officer must be elected, is abandoned. Under the old legislative county law in California, the people in the large counties elected, every four years, the following officers: one supervisor for each of five districts, county superintendent of schools, coroner, public administrator, county clerk, district attorney, sheriff, auditor, treasurer, tax collector, assessor, recorder and surveyor. In addition to these, was a galaxy of elective constables and justices of the peace. The new county charter wipes off the ballot most of these officers because their duties are almost entirely ministerial or clerical, though the ballot will still be used in the selection of the sheriff, district attorney and assessor. By rotating the terms of the elective officers, not over three of them will be chosen in any one year, after the first election, which means that the county ticket in any single year will be reduced from thirteen to two, or at most, three officers.

In the second place, the charter provides for a unified, responsible system of administrative control, where the old law had imposed duties without conferring correspondingly adequate powers. For, with the inauguration for the new system, the board of supervisors, subject to the civil service provisions, will have control, through the power of appointment and removal, over the principal county officials, who will henceforth be merely heads of departments.

External Adjustments

But while the Los Angeles charter points the way toward a rational resetting of the lines of official responsibility, it is conspicuously lacking in any suggestion of adjustment as between the county as a whole and the municipalities within its limits. One class of cases which would come in for treatment of this kind would be those where the boundaries of the county and those of a city are coterminous (as in the case of Denver and San Francisco) or can be made to correspond. In such instances, the county is principally a judicial unit, without any important functions of local government, and it is not a difficult matter to transfer county functions to already existing city officers, or vice versa. The interests of the city and the interests of the county may be merged and the uninteresting routine, administrative functions of the county may be vitalized

by, and made to partake of, the benefits of the civic interest which is brought to bear in the discussion of municipal policies and issues which are an incident of city elections. Denver has actually accomplished such a merger through an application of the short ballot principle by which the sheriff, county clerk and supervisor are subordinated to the five elected commissioners, who constitute the sole policy-determining or governing body of the city and county.

A solution of a very different type and especially applicable to counties which contain a number of separate municipalities is the one now proposed in Alameda county, California. This is a county in which the divergency between the urban and rural, and, in fact, between the several urban communities, is sharply accentuated. One half the county is composed of farming country and will probably remain such for many years to come; the other half of a group of cities including Oakland, with a population of 150,174, Berkeley 40,434, Alameda 23,383 and several smaller incorporated places. At a glance it will be seen that these municipalities, through juxtaposition, have many interests in common. At the same time, there is in each a powerful, and, in many ways, a laudable, local sentiment which has made it seemingly hopeless to attempt anything like consolidation, or annexation to any one of the larger cities.

Under these circumstances the Tax Association of Alameda County, supported by several other civic and commercial organizations, as a means of getting rid of duplicate officers and conflict of authority, has proposed a system of federation. The ten incorporated cities and towns and the three divisions of the rural half of the county, would each be given representation as municipalities on a board of county supervisors. This county board, however, would not be a separate and distinct elective body, as at present, but would consist of the mayors, and in the case of the largest cities, of additional designated members of the city council. The board of mayors would control directly all of the other county officers with the exception of those attached to the judicial branch, *i. e.*, the sheriff, public administrator and district attorney (the county or superior judges being considered in California as state officers). Many duplicate offices would be consolidated, with the idea of effecting economies and simplifying machinery.

Broadly speaking, the changes recently adopted or projected in the several important centers in Colorado and California suggest what seems to be the soundest basis for thoroughgoing reorganization: the composition and distribution of population. At least three types of community need to be recognized as having distinct administrative problems:

1. All rural communities, where the county (with its subdivisions) is the sole agency of local government as well as an administrative division of the state.
2. All urban communities, in which the county is practically an administrative division only.
3. Mixed urban and rural communities.

And, incidentally, in order to bring homogeneous elements of the population under a single organization, it may also be found desirable, in some states, to re-fix certain county lines. Cities like Chicago, Cleveland and Buffalo find themselves great urban populous centers surrounded by a fringe of rural territory, out of which condition many complications arise. That condition could be simplified by attaching the outlying communities to other counties or erecting them into new counties. Distinctly rural communities might well be set apart from those whose problems are urban and their administration handled accordingly.

Future Possibilities in County Development

Under arrangements such as might be effected either by consolidation or federation, as suggested, it seems not a vain hope that the urban or semi-urban county will be able, sometime in the future, to assume a larger and more important rôle in local government than heretofore. One feature of American life, in particular, seems to present an opportunity to develop county organization into a highly important, and hence civically interesting division of government:—the growth of interurban interests. Some of these center around questions of public utilities, such as railways, light, heat, water and power supply and telephone service. There are also the problems of police, fire and health administration, which have usually been committed to the care of cities by a delegation of the state's "police" power. The administration of these functions by a variety of contiguous municipalities often makes for confusion and waste. A more logical, certainly, and perhaps more practical, distribution

in many cases would put these matters in the hands of the state's own civil divisions. In this way a great population center like that which is composed of the hundred or so separate municipalities just across the Hudson from New York City, could present a united front to a great conflagration, an epidemic of disease or a powerful public service corporation, all of which are contemptuous of mere boundary lines. In that case the county problem, as we have outlined it, would disappear, for municipal affairs, in themselves a sufficiently fruitful, but also hopeful, field for reform, would not be overlaid, as at present, with questions which properly belong either to the state authorities or to rustic localities.

THE COUNTY COMMUNITY AND ITS GOVERNMENT

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The county is an aspect of our American system of government and politics not unimportant yet quite neglected. The monographs of the Johns Hopkins Studies, Howard's Local Constitutional History, and Dr. Fairlie's pioneer work, have, however, opened up the field. There is needed now a more synthetic treatment of the existing systems, presenting the nature of the county as an economic and social unit; the practises which convert the constitutional and statutory systems into working agencies; the relations of the county to our state, municipal, and party government. There are peculiar difficulties in the way of a comprehensive and intensive study of this field, but enough can readily be done to hasten the application to it of present principles of institutional change.

The county is found throughout the United States as a unit of government, essentially the same, but operating under widely varying conditions. Every state is composed of such. A few reservations of the national government comprise the only areas and populations not subject to its jurisdiction, and these are being rapidly assimilated. Alaska is still governed as an unorganized territory. The extension of the county net over the country fully kept pace with the advance of settlement, and supplied to the pioneer the absolute necessities of government,—justice, order, titles to property, probate of estates. Though differing widely in form and activities in the various parts of the country, and by reason of the changes made from colonial times to the present, yet it is substantially the same unit whenever and wherever found.

The county permeates our political, legislative and administrative machinery. It is widely used as a unit (in various forms) of legislative representation, and of administrative activity, throughout the country. Party organization is cast in this mold. And in no small degree local economic and social agencies utilize it as a unit. The state and national systems of government and politics are thus built

upon it; while in a very true sense the local government units, such as townships and municipalities, have grown out of it or within it.

From all these points of view the county community is of widely varying vitality and importance in the different sections of the country. More especially in the South and West it is, over large areas, practically the only unit of local government, the sub-districts being largely subordinate to it, and municipal life comparatively undeveloped. Some 300 counties (mostly in Texas, Tennessee, Virginia, Louisiana, California, Nevada and New Mexico), or ten per cent of the total, have no incorporated place within their limits. In general, too, its use as a unit of political or governmental organization is greater in the East than in the West (New England being excepted), where coequal population districts have frequently taken its place. The sharpest differences appear when contrasted in New England and the South. More especially in Rhode Island, Connecticut and Massachusetts, the presence of several large cities in over half of the counties destroys their unity effectually, though rural counties with some community sense do exist there. In the New England group, the county is not used as a unit of legislative representation; administrative activity (not to same extent as elsewhere); nor of party organization. The town is the vital community, with the municipality increasingly so. Here, too, the county has little constitutional basis, and is more largely under legislative control. In Rhode Island the county is not even corporate. In the South it is the historical unit; it has a well-defined constitutional position; generally the state government has no administrative control; the sub-districts are its administrative circumscriptions; it is fully used as a unit of legislative representation, administrative activity, and party organization; the counties are small in area, and have usually only one urban center. In a modified way, the same is true of the middle states and the West.

While all over the county are written the marks of the period of frontier expansion, making its formal existence incomprehensible apart from full recognition of that factor, the changes induced in the county community by the urban movement are at present most fundamental. The growth of urban communities within the counties intensifies every one of their problems. The need for present radical and thoroughgoing change in the county system is the result of such changed conditions. Changes in organization and functional scope

have been most rapid in the city counties. And just here where county action is most vital, attention is preoccupied by the city government, with its functions affecting more directly the welfare of the people.

The popular conception of a county is that of a rural unit, but the typical county is essentially urbo-rural. As late as 1870 one-quarter of them contained no incorporated place, but at present barely one-tenth are without such. They are of a great variety of types differing all the way from the metropolitan city-counties to the most purely rural, through all intermediate grades. The county net is relatively complete. Recent additions were one-third in Oklahoma, and scattered among the new irrigation and mining states of the West, Northern Minnesota, and growing agricultural sections in the South. The time of wholesale creation is for most of the states long past, some older states having had practically no creations for a century. Only constitutional amendment can add to the number of counties in most states. The county net has responded in growth to the needs of an expanding people, but has not undergone changes corresponding to the concentration of population and the rise of urban communities. The only response to this change of the last quarter of the century has been the formation of a few city-counties; the more or less complete segregation of the larger municipalities from their counties; and some modifications in judicial organization and systems of legislative representation.

Even a casual glance at a county map of the United States shows certain features which aid in an understanding of its nature. They differ greatly in area from one section to another and within the same state. There has consequently been a tendency to reduction of size, the frontier counties often embracing what is now a whole state. After the appearance of constitutional restrictions on area the device of "unorganized counties" came into use, a score still existing in Texas and North Dakota. Many abuses of the legislative power to create counties had been experienced, both excessively large and unduly small areas being organized, and the constitutional limitations tended to standardize a type. The most common extent is from 400 to 600 square miles, given a radial distance convenient for a day's trip by highway—a matter of some importance under certain conditions, before the coming of the railroad, telephone, postal facilities and the development of local tax-paying agencies and

abstract offices made the methods of government less direct. And as the area has been rendered convenient as the county net spread, so in general the county is a unit in whose delimitation no important topographic or physical feature has been ignored. County boundaries, too, even in the oldest states are constantly being modified as redistributions of population and lines of communication change. But there is much arbitrariness in detail which cannot fail to have its effect upon political life. The constitutional provisions have tended to fix the county.

Mere statistics of the population of the governmental units in this country derive value from the fact that so many features of our political life are based upon numbers. And this is particularly true of the county because of its widespread and frequent use as a unit. Counties differ widely in numbers of population even as within the same state. They grow very unequally, many declining; while great changes of distribution occur owing to the rise of cities. And this latter is the factor producing the greatest variations in size. In some parts of the country the counties are more nearly alike, as in the South and Mississippi Valley, but in the urban northeast section and in the Far West they differ greatly. Constitutional provisions regarding minimum numbers have tended to standardize them, though to a less degree than in the matter of area. These are in general for the purpose of obviating too small counties such as could not readily support a county organization, and to do away with attempts to utilize the county's representative character. New York county with over two million is the largest; the smallest have a few hundred: but few are of these extreme sizes, more than half the whole number having from 10,000-30,000, with the typical county containing 18,000. The typical county has naturally tended to have an increasing population from decade to decade, altering its capacity as an electoral unit and the significance of the fee system adding statutory offices and deputies to the organization while the constitutional outline was preserved, thus changing its essential nature but not its external form and giving it the appearance of an organization merely growing to its present form, and changes in conditions and methods of functional activity, *e. g.*, charities, courts.

Probably the best basis for a classification would therefore be upon their distribution of rural and urban conditions. Mere numbers of population do not always indicate even such conditions, for many

almost wholly rural counties have larger populations than some largely or even wholly urban. And under present conditions of our American society *conditions* rather than mere *numbers* must be taken into account; a truth not so apparent for earlier periods. There are wholly urban counties such as Baltimore, New York, St. Louis; counties with a large city and suburban rural fringe, for example, Cook (Chicago), Hamilton (Cincinnati), Wayne (Detroit); those with a medium-sized or small city and a predominating rural population, for instance, Dane (Madison, Wisconsin); and lastly those with only country towns or wholly rural. There are some hundred and twenty-five counties in which a single city has more than half the population, this being the case with all cities over 100,000 and the majority of those above 25,500. The predominancy of urban population and conditions is even more marked if the total urban population of the counties rather than a single unit is taken. On the other hand, some ten per cent of the counties have no incorporated place—a number rapidly being reduced. Probably one-half of the counties contain no place of 2,500 people. Dr. Fairlie, referring to conditions in 1900, estimated that five-sixths were rural, *i. e.*, contained no place of 8,000 up. It is clear that the economic and social basis of county government and politics is being radically transformed, while a constitutional fixity and political apathy maintains the unit and its formal organization and powers intact. Interesting special problems arise, for instance, in the black counties of the South, in the city-counties, in industrial metropolitan districts, in mining counties.

The political and governmental machinery of such communities is truly paradoxical. Constitutional fixity, combined with radical internal changes of economic and social nature, together with the incorporation of the county into the larger systems of the state government and party organizations, result in a situation of great complexity, aptly termed by Mr. Childs—the “county jungle.”

The organization of the American county of to-day has all the principles embodied in other phases of our government, in an extreme and constitutionally fixed form. It has grown out of the colonial county by changes of form provided for by constitutional measures, rendering it elective, freeing it from state control, differentiating new offices out of the earlier organization of judge, sheriff and bench of justices, and adding in practice and by legislation a mass of boards,

commissions, minor administrative offices, and deputies, to answer the needs of increasing population. Amid much variety in organization from state to state, and for different classes of counties within the same state, the typical county may perhaps be found. The scope of the organization naturally depends upon the functional capacity of the county from place to place. The most attenuated organizations are found in New England (*e. g.* Rhode Island) and Georgia; the most elaborate is probably that of Cook county (Chicago). A county board; a court, or courts; a number of administrative offices, are typical elements, to which may be added the party committee. The sheriff, clerk; almost always the treasurer, attorney, coroner, surveyor, school superintendent, are the constituent officials. Other officers are found in some states (tax-collector, assessor, auditor, public administrator, physician); certain traditional officers are sometimes missing, officials of other units acting (coroners, recorders of deeds, attorneys); consolidation of offices, in less developed states has occurred (various clerkships; district and probate courts; treasurer and auditor and assessor; sheriff and tax collector); the city-counties sometimes merge the council and board, and, as often with counties containing large cities, have a differentiated judicial system. Other variations are the result of special legislation of the present, or remaining in force from a period preceding constitutional limitations (*e. g.* in Maryland); or of elaborate classification, permitted by the courts (*e. g.* California); while constitutional permission of local option in the type of board (*e. g.* between supervisor or commissioner forms in Illinois, or as between numbers 3, 5, 7, for a commissioner board, as frequently in the West) gives further occasion for difference. A number of states beginning with Wisconsin (1848) require the legislature to provide a "uniform system," and usually county organization must at least be provided for by "general law." The constitutional provisions which appeared in the first years of our national history tend again to standardize the general form of the county, and to give it fixity. Otherwise it is under legislative control, with the courts favoring liberal interpretation; certain referential options being granted, as indicated above, but in general little self-organizing power being granted. The California amendment of last year is exceptional. All the chief principles of the constitutional provisions were established before 1850, the years from 1820 on being those of greatest

structural change; a few constitutional amendments supply the only attempts at adaptation to later conditions. These provisions refer only to structure, however, and important statutory changes have occurred by shifting of functions. In certain states the legislatures are almost entirely left in control (*e. g.* Iowa); the boards are very frequently not constitutionalized. In general, then, county organization has grown in accordance with our usual principles of governmental evolution and with some adaptation to special changes and conditions, though only partial adaptation in New England and in the South.

Our county is a growth out of an original judicial organization, by a process even now going on in the South (*e. g.* Georgia). The administrative and properly judicial agencies have, however, been very well differentiated, the county being now usually primarily an administrative unit and agency, and not always coterminous with court areas, except in so far as universally the administrative offices of the courts are county officers. There is in some states west of the Mississippi no specifically county judge either of general or special jurisdiction, districts being the rule owing to small population, and in New England probate is often a town matter. But with completer settlement the county is in a very large number of cases the judicial district. And the importance of the administrative officers of the courts (sheriff, attorney, coroner, clerks) in the process of justice, law and order must not be underestimated.

Except in a few cases (the Cook county president, supervisor in New Jersey, the Georgia ordinaries, the supervisor in South Carolina) no legal chief executive can be said to be provided. The chairmen of the boards, whether under the supervisor or commissioner plan, and more especially the presiding judges in the South, or the chief financial official, as the treasurer or auditor, or even the sheriff, have a position of greater influence than others. Dr. Fairlie has suggested the union of the powers of the sheriff and board-chairman to create a real chief. Nor must the chairman of the county party committee be ignored. Occasionally, too, there is a county "boss" who may be any or none of these. But the county is not so disorganized as it seems. Party selection provides some connection between these officials almost universally elective. And where changing party color, non-coincidence of terms, and the like occur, bipartisan arrangements are in practice possible and usual. The fee-system,

too, has operated to loosen the organization, but its elimination or modification in favor of the salary system, over which the boards have more or less control, and the financial officers some check, tends to some control. It is along the lines of party and financial control that the organizing principles of the county system must be looked for.

In all states, except Rhode Island and Georgia, there is regularly a county board. In a few cases another body acts, *e. g.*, the town selectmen in Nantucket; the city councils in consolidated counties. Unlike central and municipal legislative bodies it is unicameral. But Indiana has a dual board (county commissioners and county council), New Hampshire and Connecticut have their "conventions" of county legislative representatives; Pennsylvania (and a few Michigan counties) has the board of auditors; and some other special cases occur. The board's powers are administrative (decision of details in the application of state legislation, minor ordinance power, appointments), rather than legislative; in a few states (Massachusetts, Connecticut, New Hampshire) they have no power to levy taxes. Regularly, too, they act in some form as election boards, jury commissioners, boards of review, board of health, etc., but there is a distinct tendency, especially in the larger counties, to create for these purposes special boards,—a movement which will leave the board more to matters of policy. The county is now in the "board stage," the first to develop and become more independent (as in the case of municipal organization) being the financial boards. These latter, too, are often elective (*e. g.* in Cook county) like the main board, not appointive as are other special boards. The clear rationale of the development of county organization both with reference to the board, and also as concerns the differentiation of the treasurer, auditor, tax collector, out of the original office of sheriff, has been that of financial control.

Short terms characterize the county, two years being the typical, with four years common, especially in the South and West; one year occurring in New England, and three and five years in the Middle Atlantic States; six and longer being quite exceptional. The financial officers and the chief officers of judicial administration (excluding judges and clerks) have in general the shortest terms. The constitutions frequently prohibit, by a variety of methods, immediate re-elections especially for the treasurer and sheriff, but

in a few states (*e. g.* Washington) applying it to all county officers. Board members are usually exempted from such restrictions. Various means have been found, however, to circumvent these restrictions, and where none such occur selections of county officials, especially for boards, judges and clerical offices, are very frequent, at least for a second term, and often for considerable periods. Non-coincidence of terms of the various officers is common in the states north of the Ohio and east of the Mississippi, but space is lacking for its discussion. The county is in the hands of amateurs temporarily in office, though experience shows the deputy staff to be quite permanent. The clear tendency is to the development of a professional deputy staff, the chief offices being temporarily filled by men whose business interests are more or less directly affected by the particular office held.

Only superficially are the chief county officers to be regarded as popularly elected—they are rather selected by party (which means the local committee); and appointment dictated frequently by party expediency, is the real method of selection of deputies. The larger the county the more true this is likely to be, for the large subordinate staff then becomes politically more vital than the formal constitutional heads. Appointment of chief county officers rarely occurs in the United States, vacancies being the only places at all regularly filled by this method, and even here it is giving place to "special elections." Removal is, in accord with general American practice, usually by formal trial, occasionally the governor (as in New York, Wisconsin, etc.), or governor and legislature (as in Washington and Oregon), the attorney-general (as in Iowa), or the supreme court, as in other cases, being given power to remove, or suspend. The very frequent "resignations" occurring, and the very infrequent removals show the way out in practice. The "recall" may now enter as a factor.

Incompatibility of office as between the various phases of our governmental system is commonly provided for, postmasterships being excepted. In its origin employed as a method of lessening multiple office-holding, and to separate the legislative from the judiciary and county officials, it has been later used to further party organization, and give local self-government. State legislators and executive officials are now very commonly recruited from men experienced in county politics and administration, more especially as attorneys, and members of the boards.

The legal qualifications for county office are the usual ones of citizenship, residence; and the disqualifications, those of pauperism, crime. But in practice many qualifications appear; probably the chief of which is party allegiance. The property qualification has been almost universally eliminated, the bond having taken its place. Custom more or less in different sections decrees that coroners shall be medical doctors; judges and attorneys, and even sometimes court clerks, shall be lawyers; school superintendents, school teachers; and sometimes such qualification is legally provided for. Practice is making very frequently treasurers to be bank officials, sheriffs to be livery or garage keepers, coroners to be undertakers, board members to be merchants. Close study should be given to personnel from this point of view. Women, especially in the Middle states and West, appear largely as school officials, less frequently as recorders, registers of probate, court clerks, treasurers, auditors and some as probate judges. Deputies tend to become chief officers of their departments. In general, the county offices throughout the United States tend to be occupied more and more by men (and women) of the professional clerk class, and by business men whose interests are in some way affected.

Elections for county offices are regularly held at the time of the general elections in November. There has been little attempt to separate them and there are some reasons why they should not be, chiefly because of the county's relation to the state administrative system. Naturally the county officers are on the "blind end" of the ticket. Party regularity of an extreme form in the votes for county officers is the result. The personnel of the officers is also affected, and the party finds the county end of the ticket a most valuable asset, especially as the county offices, whether under the salary or fee system are abnormally well paid on the average for clerical positions, and some of the offices bring perquisites which are large.

The county organization being thus peculiarly adapted to the perpetuation of many things inconsistent with present institutional ideals, its powers may be shown to have a no less vital bearing. The functions which our counties exercise are in general those of its English model: administration of justice, law and order, elections and taxation. Its corporate character is American; and to its general powers have been added probate (transferred from ecclesiastical to secular control), public record of titles, public charity,

public survey, public prosecution of crime, a wider scope of elections, and later education, highways, and party activity. Its use as a military unit has in great measure become obsolete: coequal units of population have become widely used for representative purposes and judicial jurisdiction; elections have been decentralized to precincts, owing to new habits and principles of political life. The general scope of powers thus accorded the county embraces practically all the *regulative* functions granted to the states, and the local self-government of the county makes the American situation unique. For in England and the colonies the control over these local functions of government—without whose relatively efficient exercise no civilized society can exist—was highly centralized. Our forefathers fought for local control over them and won it, though in the history of the colonial struggle this has been neglected. During the period of frontier expansion they were those needs of government absolutely essential, and the formation of counties kept pace with settlement. Owing to the nature of the county as a community, and the changes in its economic and social condition, and political life, popular attention has been diverted, and governmental reform focussed on activities more directly affecting the welfare of society and the daily living conditions of the average individual. The effect of the constituent county functions, formal and regulative as they are,—justice, law, order, titles, public record—is scarcely at all upon the average citizen of to-day, but is rather upon society in general and over longer periods of time. Compared with municipal and state problems the county lacks directness, picturesqueness, and hence attention. Many phases of county activity cannot be estimated by using expenditure as an index, and hence the financial appeal is lacking. Since the radical changes in methods of exercise of the chief county functions brought about in the early constitutions of the states, such as in the administration of justice, rules of inheritance, abolition of traditional practices in the coroner's office, etc., and the addition of new functions mentioned above, little change in the law governing county activities has occurred. Some state administrative control has developed over the welfare functions such as education, roads, charities, and over taxation, health, elections. Segregation of the larger municipalities has withdrawn the cities from their jurisdiction. And, as a result of growing inefficiency induced by the changed nature of the county life, powerful private agencies have developed to perform for the

community such functions as protection of life and property, record and abstract of land titles, administration of estates, surveying. These naturally have an interest in the maintenance of the *status quo*, while the apathy of the electorate and the activity of office-holders and classes especially interested in county functions, contribute to maintain the county as it is.

The American county occupies a vital place in the present problem of our government and politics; but it is a unit of peculiar difficulty either for investigation or reform.

COUNTY GOVERNMENT IN NEW ENGLAND

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The county in the New England states as a territorial unit was established almost as early as the county in the Southern states. In both sections the original purpose of the county was the creation of a suitable district for the efficient administration of justice. While in the Southern states the county soon came to assume large powers in general administration, in the New England states the county developed little beyond the sphere of judicial administration. The local autonomy of the town hindered the development of the powers of the more artificial district of the county. The creation of the counties in all the New England states was made by the colonial or state legislatures at an early period when the town was sufficient for all recognized governmental needs.

As early as 1666 the General Assembly of Connecticut divided the commonwealth into four counties for judicial purposes. The five counties of Rhode Island were all incorporated between 1703 and 1747. Here they were regarded merely as judicial districts and they continue, up to the present time, in that capacity only. In New Hampshire the five original counties of Strafford, Rockingham, Hillsborough, Cheshire and Grafton, upon the recommendation of Governor Wentworth, were created by the legislature in 1771, for the purpose of judicial administration. All but two of the present fourteen counties of Massachusetts were incorporated before the Revolution. Nine were created before the close of the seventeenth century. Essex, Middlesex and Suffolk counties were established as early as 1647. In Maine, naturally, the counties are of later origin. From the original county of York the General Court of Massachusetts first created the counties of Cumberland and Lincoln in 1760, and in 1789 it created the two additional counties of Hancock and Washington. Ten years later the county of Kennebec was formed. All the remaining counties in Maine were incorporated in the nineteenth century and all but Oxford and Somerset, established in 1805 and 1809, respectively, were organized after Maine became a separate state (1819).

Vermont prior to the Revolution was divided into four counties. Of its present fourteen counties all except three were incorporated before the year 1800.

The county in New England, as in other parts of the United States, is a legal corporation for limited purposes. The New Hampshire, Massachusetts and Connecticut statutes define specifically the legal status of the county. The Massachusetts law with precision defines the county as, "a body politic and corporate for the following purposes: to sue and be sued; to purchase and hold, for the use of the county, personal estate and land lying within its limits, and to make necessary contracts and to do necessary acts relative to its property and affairs."

The county in the United States is commonly organized in the following ways: as a judicial district, as a police district, as a probate and land registry district, as a poor relief district, as highway district, as a school district, as a sanitary district, as an election district and as a fiscal district. In New England the county is in no state organized as a school district, or as a sanitary district. In Vermont only does the county act as a highway district, and here it is merely supervisory over the towns. In one state, New Hampshire, the county is organized as a poor relief district. In three states, Maine, Massachusetts and New Hampshire, the county is the legal district for probate and registry of land. As an elective district it is recognized in all of the states of New England. The county is regarded as the unit for canvassing the returns for state offices, though the towns, themselves, constitute the returning districts. The county, except perhaps in a few densely populated districts, does not share in the party organization. It is, however, an independent elective district for the election of county officers in all states except Rhode Island. In three states, Massachusetts, Vermont and Rhode Island, the county is recognized, to some extent, as an elective district in representation in the senate of the state. With the exception of Rhode Island, in all of the New England states the county is an independent fiscal unit, discharging its own financial obligations and raising its own taxes. In all of the states, the county is organized as a judicial district, and it is in this capacity that it performs its chief function, though here it acts rather as an agent of the state than as an organization for the conduct of local administration.

As a judicial district the county is recognized by the laws of

the states in the creation of civil and criminal courts within the county, which are, in general, presided over either by judges elected by the county, as in the case of Vermont, or by the judges of the superior or supreme court, assigned to county judicial districts, as in the case of Maine, Massachusetts, New Hampshire and Rhode Island. In Connecticut there is a double arrangement. In each of the five counties the common pleas courts have jurisdiction within a single county, while the superior court has sittings in all of the counties. The superior, or supreme (Maine) court judges who sit as county judges in all of the New England states except Vermont, are appointed by the governor and council, in Maine, Massachusetts, New Hampshire; and by the legislature in Rhode Island and Connecticut. They may be removed by the governor upon an address of both houses of the legislature. There is no provision for the removal of county judges who are elected for two years in Vermont. The short term, however, acts as an obligatory referendum upon the question of their removal. The long term, appointive, judiciary has constantly shown its superiority over the short term elective method of Vermont, but when, for any reason, an office has been made elective, no matter how inefficient such a method proves to be, it is practically impossible, owing to the opposition of the politicians, to again make it an appointive office.

In all of the states there is a clerk of court for the county. This officer is appointed by the judges of the court which he serves, in the states of New Hampshire, Vermont, Rhode Island and Connecticut. His term is, in New Hampshire for an unlimited period, in Vermont two years, in Rhode Island three years and in Connecticut one year. In Maine the clerk of the court is elected for four years and in Massachusetts for five years. He is, in each case, required to give bond, approved either by the court, or the governor and council, for the faithful performance of his duties. The efficiency of the court is, in no small measure, dependent upon the clerk. The New Hampshire method of appointment by the court for an indefinite period gives greater assurance of competent service.

In the states of Maine, Massachusetts and New Hampshire, where the county forms a district for probate administration, there is a judge of probate. In Maine he is elected for four years. In Massachusetts and New Hampshire he is appointed by the governor and council, for an indefinite term. In Vermont and Connecticut

judges of probate are elected biennially in districts smaller than the county. The removal of judges of probate may be accomplished by an address of both houses of the legislature in Maine, Massachusetts and New Hampshire. The appointment of a judge of probate is manifestly a better method of selection than that of popular election.

Registers of probate are elected by the voters of the county, in Maine, Massachusetts and New Hampshire. In Maine the term is four years, in Massachusetts five years and in New Hampshire two years. Registers of probate are required to give bonds, approved by the court. They may be removed by judge of probate in Maine, and by the supreme court in New Hampshire and Massachusetts. These officials also furnish bonds approved either by the court, or by the county commissioners. Registers of probate are purely administrative officers and as such might better be appointed than elected. Though the practice, where they are elected, is, in general, to continue them in office for a long term of years, yet it frequently happens that a most efficient man, with change of party, is removed, with great detriment to the efficiency of the office.

The sheriff is the oldest of the county offices. It existed under the colonial government and was, like the sheriff in England, an appointive office. It was not until the middle of the nineteenth century that it became an elective office in the New England states. In New Hampshire the change was not made until 1877, while in Rhode Island the sheriff is still an appointive officer, being appointed by the legislature. In all of the states except Rhode Island the sheriff is at the present time elected by the voters of the county. His term varies, being two years in Maine, New Hampshire and Vermont; four years in Massachusetts and Connecticut; five in Rhode Island. The sheriff may appoint one or more deputies who are responsible to him; though they, as well as the sheriff, are obliged to give bonds acceptable to the court, in New Hampshire, Vermont, Massachusetts and Rhode Island; to the county commissioners in Maine, or to the governor in Connecticut. Bonds required of sheriffs are generally large, being \$30,000 in New Hampshire and from \$25,000 to \$40,000 in Maine. In the other states the amount of the bond is less. Sheriffs may be removed by the supreme or superior courts in New Hampshire, Massachusetts, Rhode Island and Connecticut; while failure to give required bond vacates the office in Maine and Vermont. The duties of the sheriffs, in the main, like

those of the judges pertain to matters of state-wide rather than county concern. For the best interests of the state the appointment and compensation of the sheriff should be under the control of the central authority of the state.

The state's prosecuting officer in the county, variously styled, prosecuting attorney (Vermont); state's attorney (Connecticut); district attorney (Massachusetts); county attorney (Maine); county solicitor (New Hampshire), is, in all the states except Connecticut, an elective officer. In Massachusetts, the district from which he is elected is the judicial district and does not coincide with the single counties. In Suffolk county, which includes the city of Boston, there are two district attorneys, and it is now proposed that there be three. In Connecticut the state's attorneys, so called, for the various counties, are appointed by the superior court. The term of the county attorney is two years in Maine, New Hampshire, Vermont and Connecticut, and three years in Massachusetts. He may be removed by the action of the court in New Hampshire, Massachusetts and Connecticut. In Maine and Vermont action may be taken on county attorney's bond in case of misfeasance. The county attorney is obliged to give satisfactory bonds to the court, for the fulfilment of his official obligations. The county attorney may be considered in the same class also with the judges and sheriffs, in that his principal function is to act for the state in the enforcement of laws. Much of the present failure in the punishment of crime is due to the weak character of the county attorneys under the short term elective method. There is no office where the need is greater that it be put out of politics than the county attorney, while probably no office at the present time is more active in politics than this same office.

The officers having charge of the general, or local, administration of the county in four of the five New England states, where the county exists as a fiscal and administrative unit, are the county commissioners. In the fifth state, that of Vermont, the two assistant county judges act in the capacity of commissioners in the administration of county affairs. The board of county commissioners in each of the states of Connecticut, Massachusetts, Maine and New Hampshire consists of three members. In Massachusetts, Maine and New Hampshire the commissioners are elected upon the same suffrage basis and at the same time as state officers. The same is

true of the two county judges in Vermont who act as county commissioners. In Connecticut the commissioners are elected by the two houses of the legislature. The term of the commissioners varies, being two years in New Hampshire, three years in Massachusetts, four years in Connecticut and six years in Maine. The term of the county judges in Vermont is two years. A further difference in organization is seen in the manner of the renewal of the board of commissioners. In New Hampshire and Vermont there is an entire renewal of the board, the members all being elected at the same time. In Massachusetts one member is elected to the board each year and in Maine one every two years. In Connecticut the commissioners are elected, one at one biennial election, and two at the next. In Maine the county commissioners appoint a person not of their number to act as clerk. In Connecticut and New Hampshire one of the commissioners serves in this capacity, while in Massachusetts and Vermont the clerk of the court performs the duties of clerk.

The powers of the county commissioners in the New England states are considerably more limited than those belonging to the same office in the Middle and Southern states. In Vermont the two judges acting as commissioners are confined in their duties almost wholly to matters pertaining to the judicial administration of the county and the fiscal matters connected with the courts and jails. The county commissioners in Connecticut possess little more power; here the main functions are: care of county buildings, supervision of jails and the county home for dependent children, repair of highways and supervision of liquor licenses. In Massachusetts the county commissioners have comparatively few powers outside of those connected with the administration of justice. In New Hampshire the powers and duties of county commissioners are: custody of the county property, care of county buildings, care of county paupers, appointment of superintendent and other officers of the county farm, jail and house of correction, the purchasing and selling of real estate in connection with the county farm, court house, jail, or for other county uses; auditing claims against, or for, the county; issuance of county bonds when authorized by the county convention; authorization of the making of public records. In Maine somewhat larger powers are granted to the county commissioners. The most important of such powers is that of determining the county

estimates and causing the taxes to be assessed in the various towns to cover the amount of county expenditures. In addition to this the county commissioners have the following powers: auditing the accounts of the receipts and expenditures of the moneys of the county; representation of the county in all legal matters; caring for the property and managing the business of the county; laying out, altering, or discontinuing public highways; repairing of court houses and jails; providing for the safe keeping of public records of the county; examination of jails; provision for employment of prisoners and borrowing of money not to exceed \$10,000 for use of the county.

Vacancies in the office of county commissioners are filled by the governor and council, in Maine and Massachusetts; by the supreme court in New Hampshire and by the governor in Vermont and Connecticut. A commissioner may be removed for official misconduct by the supreme court in Maine, New Hampshire and Massachusetts. In Connecticut the state treasurer may require a new bond of a commissioner at any time and failure to comply with such demand is made equivalent to resignation on the part of the commissioner. County commissioners are in all cases required to furnish bonds approved by the higher court or by the state treasurer. A larger degree of "home rule" for counties in purely administrative matters is desirable. This could be accomplished without detriment to the state if a separation should be made between the functions in which the county acts as a state agent, and those in which it acts primarily, for the welfare of the county. If the state assume the financial burden of judicial administration, as it quite generally does in New England, the general administration may be left to the county without legislative interference. The organization of the board of county commissioners as it exists in Maine, one member being elected biennially for a term of six years, is best adapted for the securing of good men, efficient service, and continuity of public policy in county affairs. This system has been in operation in Maine since 1882. In New Hampshire where there is the opposite policy, of short term and total removal of the board, there have been repeated attempts to secure the adoption of the Maine plan. A bill providing for this method was introduced into the New Hampshire legislature for 1913 but without avail.

The county treasurer, which is found in all the states except

Rhode Island, is elected in Maine, Massachusetts and New Hampshire; and appointed in the other two states. In Vermont the two commissioner judges appoint the treasurer and in Connecticut the board of commissioners appoints him. His term is short in every case, being for three years in Massachusetts and two years in the other four states. Besides making the treasurer accountable through a short term, the laws of every state go into great detail as to the method of keeping accounts and rendering reports. The bonds required of the treasurer are fairly large. In all the five states the treasurer's bonds must be approved by the county commissioners. Appointment to vacancies in the office of county treasurer is usually made by the county commissioners. The method of removal, when provided, is by the courts. Inasmuch as the county commissioners are the responsible agents of the voters of the county, in conducting the business of the county, the appointment of the county treasurer should be placed in the hands of the commissioners, in order to centralize financial responsibility. This would be merely extending the principle under which the commissioners at present are required to approve the bonds of the treasurer, and appoint to fill vacancies. The concentration of fiscal power in the hands of the county commissioners might well be supervised on the part of the state through appointment of a county controller by the governor, as is now the method in Massachusetts.

Central supervision over the accounts of the county is secured through the appointment of county auditors in the states of New Hampshire, Vermont and Connecticut and of county controllers in Massachusetts. In New Hampshire, the county auditors, consisting of two persons, one from each of the leading parties, are appointed annually by the supreme court. These officers are required to examine and audit the accounts of the county commissioners, superintendent of the county farm and county treasurer. In Vermont the two commissioner judges appoint the county auditors, one from each county, for a term of two years. Their duties are similar to those of county auditors in New Hampshire. In Connecticut two county auditors, representing different parties, are appointed by the county convention at the time of the biennial session of the legislature. These auditors are required to examine and audit the accounts of the county commissioners, county treasurer and jailor for the current fiscal year and the proposed budget for the next fiscal year. County

controllers in Massachusetts are appointed, one for each county, by the governor for three years. Three deputy controllers may be appointed by each controller.

The responsibility for the financial budget of the county varies in the five states, where the county exists as a fiscal unit. In Massachusetts the general court upon the recommendation of the county commissioners approves the expenditures of the respective counties. The county commissioners are authorized to apportion the county taxes according to the latest state valuation and to certify to the assessors of the several cities and towns their respective proportions of the county tax. The taxes are collected by the town or city treasurer and upon warrant from the commissioners are paid into the county treasury. In Vermont the two assistant county judges determine the budget of the county and fix the rate of taxation which the towns are obliged to levy for county expenses. In Maine the determination of the fiscal needs of the county and the rate of taxes necessary to meet such obligations devolves upon the county commissioners. In both Connecticut and New Hampshire there is a somewhat peculiar political body which has control of county finances. This body is known as the county convention. In Connecticut it is composed of those members of both houses of the state legislature who are elected from any given county. In New Hampshire it consists of the representatives of the towns of a given county in the house of representatives of the state legislature. In Connecticut the county convention of the various counties may not only vote the general amount of the county appropriations, but, as well, the appropriations for any specific items of county expenditures for the two fiscal years next ensuing, or for the repairs and alterations of county buildings during the same period, and it may lay any tax upon towns of the county for any county purpose, provided such tax be in proportion to the assessed valuation of the towns. In New Hampshire the convention upon the recommendation of the county commissioners, votes the amount of county taxes to meet the necessary appropriation for the next two years, but the tax for each year is voted separately and must be collected separately. The clerk of the county convention returns a certified copy of the record of the proceedings of the convention to the clerk of the county commissioners. The clerk of the county commissioners then transmits to the county treasurer a certified copy of every vote for raising the

county tax. In none of the New England states is there a separate office of county clerk. Wherever there is need of such an officer his duties are discharged by the clerk of the court, either county, or superior.

The register of deeds as a county office is found in Maine, New Hampshire and Massachusetts. In the other New England states the function of recording wills is performed by the towns. In the three states in which the office of register of deeds is a county office, it is elective. The term is four years in Maine and two years in New Hampshire. The number of registers in Massachusetts varies in the different counties, from one to three, and the registers are elected by the voters of each registry district. In New Hampshire and Maine counties may be divided into two registry districts. In case of such division in New Hampshire the voters of each of the districts formed elect a register. In Maine if there are two districts the register appoints a clerk to act as register in the district outside the shire town. Vacancies are filled in the office of register of deeds in the following ways: in Maine by the governor and council, until the next regular election; in Massachusetts by the county commissioners until the next annual election; in New Hampshire by the supreme court to fill out the unexpired term. The register of deeds may be removed for misconduct or incapacity, by the supreme court in Maine and New Hampshire and by the county commissioners in Massachusetts. Registers of deeds in all three states are required to give bonds approved by county commissioners.

Coroners, or medical referees as they are called in New Hampshire, are regarded as county officers in Maine, New Hampshire and Connecticut. In other states they are town officers, though generally appointed by the state. In Maine and New Hampshire they are appointed by the governor and council, for an indefinite term in Maine, and for five years in New Hampshire. In Connecticut appointment is made by the superior court for a period of three years. In Maine and New Hampshire there is one, or more, coroners for each county, while in Connecticut there is but one appointed though the coroner may appoint medical examiners, one for each town. In Massachusetts medical examiners are appointed for seven years, by the governor and council. The number here varies with the county. In Maine bonds approved by the county commis-

sioners are required of coroners. In Connecticut, the superior court judges may remove coroners for cause and appoint successors.

Other county officers which exist in only one state are: in Vermont deputy clerk of the court, appointed by the judges of the county court; high bailiff elected for two years, probation officer appointed by the county court judges; three jail commissioners and three road commissioners also appointed by the county judges. In Connecticut there are three jury commissioners and a health officer appointed by the judges of the superior court. The county commissioner also appoint prosecuting agents to prosecute violations of the liquor laws. In New Hampshire, there is a superintendent of the county almshouse appointed by the county commissioner.

From this brief account of county organization in New England it is plainly evident that to speak of "county government of New England" is erroneous, if such designation connotes county organization of a uniform type. The variations in number of county officials, in mode of election, in term, in state control and in powers, are probably greater than in any six states taken together in any other section of the country.

In spite of the variety of organization of county government in New England there are a few generalizations that may be made respecting it. In New England the function of the county is largely restricted to the administration of justice, and in consequence, the number of county offices is less than in other states. Appointment of county officers, particularly those connected with the courts, more generally prevails here than elsewhere. State administrative control, seen in methods of appointment, removal and bond requirements, is more pronounced in the New England states than in those outside of this section. But the most marked difference between county government in New England and elsewhere, is that which has often been pointed out, namely, fewer functions performed by the county in the New England states owing to the unusual importance of the town.

Advocates of the "short ballot" are finding in county government an important sphere for its application. This is due to the fact of the large number of elective county offices in most states and, also, to the fact that the duties of county officers, are mostly clerical and administrative. The need of the "short ballot" reform is less urgent in county government in New England than in many states outside

of this section, but even here it would be an aid to efficient administration. Three of the New England states especially need such reform in their county system. These are Maine, New Hampshire and Vermont. In Maine, with the exception of the coroner, all of the eleven county officers are elected. The fact that these are elected for fairly long terms mitigates somewhat against the evils of the elective principle. In New Hampshire all of the county officers, except the judge of probate, clerk of court and medical referees, are elected. Their term is particularly short, being for two years only. In Vermont, with the exception of the clerk of court and register of probate, all county officers, including the county judges, are elected for two years. In the other three New England states the principle of appointment is more generally employed. Of the ten classes of county officers in Massachusetts four are appointed. The six that are elected are: county commissioners, register of probate, register of deeds, clerk of the court, district attorney and sheriff. Of the ten classes of county officers in Connecticut the sheriff is the only strictly county officer that is elected by popular vote. The probate judge not a county officer in Connecticut is also elected. In Rhode Island the only two county offices, namely, county clerk and sheriff, are elected by the legislature.

Bringing together the best features of each of the New England states, an organization of county government may be formed, which might serve somewhat as a model. Such organization would borrow from New Hampshire and Massachusetts the system of superior judges appointed for life acting as judges of the county. The clerk of the court would be appointed by the court for an indefinite term as in New Hampshire. The sheriff would be elected for five years following the method of Massachusetts and Connecticut. The question might be raised whether in a model organization of county government the sheriff should not be appointed either by the governor or by the superior court, but no New England state having such a system, that method can not be considered in forming a model from the existing methods. The Rhode Island method of election by the legislature does not commend itself as a wise general principle. The district attorney would be appointed, in accordance with the method in Connecticut, by the judges of the superior court. The judge of probate would be appointed by the governor for an indefinite term as is now the case in New Hampshire and Massachusetts. The

register of probate would be appointed by the judge of probate following the method now employed in Vermont. The register of deeds because of the present practice would be obliged to be elective. The longest term that could be given to that office and still adopt the method of a New England state would be four years. It is strange that this office, the work of which is so entirely clerical and routine, should everywhere have been made elective. The organization of the county commissioners in a model form would be a board of three, elected one, in each biennial election, for six years, the method now employed in Maine. The county treasurer being necessarily accountable to the county commissioners would be appointed by the county commissioners following the method of Connecticut. The county auditor would be appointed by the governor, the present method in Massachusetts. All other necessary county officials would be appointed by their superiors in order to secure official responsibility. This composite county organization based upon actual methods would provide for appointment of all county officers except sheriff, register of deeds and county commissioners. This organization would require the election of only three county officers at one time, being one less than that required by the new "short ballot" county government of Los Angeles county, California.

PARISH GOVERNMENT IN LOUISIANA

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The Origin of Parish Government

While local government in Louisiana does not differ in its fundamental features from that of the other Southern states, the system has a somewhat distinctive nomenclature. What in other states is called the county is officially designated in Louisiana as the parish, and in place of the usual county commissioners we find a body of men with similar powers termed the police jury. The term parish government as used in Louisiana has the same significance, therefore, as the term county government in other Southern commonwealths.

It is interesting, however, to note that for a brief period the political subdivisions were called counties. After the purchase from France in 1803 of the immense area then designated as Louisiana, the portion of this region south of the thirty-third parallel, embracing most of the present state, was organized as the territory of Orleans. The legislative council, at its first session in 1804-5, passed "an act for dividing the territory of Orleans into counties, and establishing courts of inferior jurisdiction therein." Twelve counties with vaguely defined boundaries and differing greatly in size and population were created. In a few cases the new counties corresponded in limits to the ecclesiastical district of the Spanish régime known as the parish, but more frequently several parishes were combined into a single county, and some counties were designated merely as groups of settlements. In 1807 the subdivisions of 1804 were abolished as units of local government, and the territory was redivided into nineteen parishes, so called because their boundaries were based in many instances upon the earlier divisions for ecclesiastical administration. The county, however, still survived for a number of years, but not as an institution of local government. The twelve counties of 1804 are several times enumerated in the first state constitution, adopted in 1812. This instrument arranged the state senatorial

districts by groups of counties, apportioned membership in the lower house of the general assembly by counties, and divided the state into two appellate judicial districts with six counties in each. In subsequent legislation, parishes and counties were both referred to, but the latter indicated only electoral districts and not centers of local administration.¹

On December 10, 1810, William C. C. Claiborne, the territorial governor, issued an ordinance, in compliance with the proclamation of President Madison of October 27 of that year, extending the jurisdiction of the territorial government over the disputed west Florida region between the Mississippi and Perdido rivers. To this region the name "County of Feliciana" was given. In 1812 congress formally annexed as much of this area as lay between the Mississippi and Pearl rivers to the newly created State of Louisiana, and this district is still commonly designated as the "Florida parishes."

As a result of this enlargement of boundaries, and of a later process of subdivision, the number of parishes has grown from the original nineteen to sixty-four. The last division went into effect on January 1, 1913, when the so-called "imperial parish of Calcasieu," containing 3,629 square miles, gave up about three-fourths of its area to form the three new parishes of Allen, Beauregard and Jeff Davis. The names of the parishes have a close connection with the history of the state. The three just mentioned bear the names of Louisiana's war governor, of one of her Confederate generals, and of the president of the Confederacy. On the other hand, the parishes of Grant and Lincoln, organized in 1869 and 1873 respectively, are reminders of the days of Reconstruction. Acadia and Evangeline commemorate the immigration of the French exiles into Louisiana from Nova Scotia; Caddo and Tensas perpetuate the tribal names of aborigines; De Soto, LaSalle, Bienville and Iberville bear their names in memory of the early European explorers; while such names as St. John the Baptist, St. Mary, St. James and Ascension, which are applied to some of the original parishes of 1807, indicate their ecclesiastical origin.

During the first two years of the American occupation of Orleans territory, local government was administered by officials designated as civil commandants and syndics. When the territory was divided into counties, the civil commandants gave place to judges of the

¹ See, for example, the *Acts of Louisiana*, 1817, p. 66; and 1827, p. 26.

county courts and the syndics to justices of the peace. This change, however, was one of name rather than of functions. The judges of the county courts were charged with the duties of probating wills, acting as notaries, superintending roads and levees, and policing slaves. In 1807 the judge of the county court became the judge of the parish court. The rapid growth of population soon increased the functions of the local governments, and made it impracticable for a single officer to discharge such multifarious duties. It is unnecessary, however, to trace here the differentiation of local governmental functions and the multiplication of parish offices.

The Organization of the Parish Government

For facilitating administration, the parishes are divided into from five to ten wards, and the general administrative and legislative functions are vested in a police jury, one member of which is chosen from each ward and additional members from wards with five thousand or more inhabitants. A police juror must meet all the residence and poll tax requirements prescribed for a regular voter, and in addition must be literate and possess, either in his own name or that of his wife, property in the parish worth \$250. The members choose a president from their own number, and are compensated for their services with per diem and mileage payments. Briefly summarized, the duties and functions of the police jury consist in supervising the construction and repair of public buildings, roads, bridges and dikes; clearing natural drains; removing floating timber, aquatic plants and other obstructions in navigable streams; regulating the roving at large of live stock; controlling businesses and places that come under the police power; levying parish licenses (the so-called "occupation taxes") and the regular taxes for the support of the parish government; establishing toll bridges and ferries, and fixing the rates on these when privately owned; protecting the parish against contagious diseases, and providing for the support of the poor.

The police jury is required to choose an official journal in which to publish the proceedings of its meetings. In addition it must publish a budget of expenditures for the coming year at least thirty days before the meeting at which it fixes the rate of parish taxes. It is forbidden by law to make appropriations in excess of the estimated revenue for the year, but it may issue interest-bearing certificates to cover the cost of public improvements which are to be paid for out of the revenues of succeeding years.

Special taxes for public improvements may be levied by a vote of the property taxpayers in the district affected. Such taxes may be voted by a parish, municipality or ward, or by specially created school, drainage or road districts. Bonds, limited to forty years and five per cent, may be authorized also for public improvements by the voters of the parish or any of its subdivisions, but may not exceed in amount ten per cent of the assessed value of the property of the district issuing them. In such elections resident women taxpayers may vote without previous registration and may cast their ballots in person or by proxy. The proposed tax or bond issue must have in its favor a majority of the voting taxpayers, and of their property as well. In addition to an *ad valorem* tax, road districts may impose a road tax of one dollar per capita upon all able-bodied men between the ages of eighteen and fifty-five years and a license upon vehicles and bicycles.

The state poll tax of one dollar per year, the payment of which for two successive years is made a prerequisite for voting, is retained by the parish in which it is collected for the benefit of public schools. The parish also retains the fines imposed in its limits for violation of state laws. Except in municipalities exempt by their charters from parish taxes, the parish assessor enrolls all property in the parish for state, parish and municipal taxation.² The sheriff is *ex officio* collector of state and local taxes, as well as guardian of the peace.

The other parish officers, whose duties it is not necessary to describe, are the treasurer, clerk, coroner, superintendent of schools, school board, board of health, justices of the peace and constables. All of these, except the treasurer and the superintendent of public schools, are elected by popular vote. The treasurer is chosen by the police jury, and the superintendent of schools by the school board. There is a justice of the peace and a constable for each ward. The justices of the peace have exclusive original jurisdiction in all civil cases in which the amount in dispute does not exceed fifty dollars, and in cases involving amounts between fifty and one hundred dollars they have concurrent jurisdiction with the district courts. Each judicial district consists of from one to three parishes, according to area and population, and for each district there is a judge, a clerk and a district attorney.

² The city of Baton Rouge, by a special constitutional provision, divides equally with the parish the net amount of the parish tax collected within its limits.

"The Parish of Orleans Excepted"

The preceding description of parish government does not apply in every instance to the parish of Orleans, which forms a part of the city of New Orleans. Consequently "the parish of Orleans excepted" is a stereotyped phrase in the constitution and laws of Louisiana. The parish of Orleans has both a civil and a criminal sheriff, neither of them being *ex officio* tax collector, as is the case in the country parishes. For this parish there are seven tax assessors, an equal number of state tax collectors, a register of conveyances, a recorder of mortgages and a judicial organization far more extensive than that of any other parish. As the entire parish forms a part of a municipal corporation, there is of course no need of a police jury or of constables and justices of the peace.

Special Problems of Parish Government

During the past decade the problem that has received the most attention from the parishes has been that of providing better school facilities. So great has been the educational awakening in the rural districts, that this problem is now well on the way toward solution. In 1900 the state surpassed all others in illiteracy; its educational system was poorly organized and still more poorly financed, and the typical country school was little more than a rude cabin. The school growth has been especially noticeable since 1906. The parishes have been rapidly discarding the ancient one-room schoolhouses for modern consolidated schools and are steadily increasing the number of school districts for the purpose of voting special school taxes. At the close of the year ending July 1, 1912, the number of consolidated schools was 227. In conveying children from the farms to these schools 280 wagonettes were employed and 6,621 children were transported. Of the total school revenues in this year of \$5,867,967, the sum of \$1,585,183 was derived from special taxes. On July 1, 1911, 1,221 schools were partly aided by special taxes, and in eleven parishes the special tax was voted for the whole parish.

Next in importance, perhaps, to the school problem, and to some extent interrelated with it, is the problem of good roads. It has always been recognized that the consolidation of country schools is impracticable if bad roads interfere with the transportation of pupils. A persistent campaign for better roads has been conducted for a number of years, and the state has undertaken to cooperate

with the parishes by establishing a highway department in connection with its Board of Engineers and by setting aside a small sum—in 1913, \$100,000—to be used by this department in supplementing parish appropriations for the construction of model highways. Road building in Louisiana offers peculiar problems; the level alluvial lands offer many drainage difficulties and furnish scant supplies of road-building materials. As an indication of the growing interest in road improvement may be cited the fact that during the week in which this article was written the police juries of St. John the Baptist, Tangipahoa and West Feliciana parishes held special meetings to discuss road taxes, the police jury of Lafayette ordered a survey of the principal roads of that parish with the object of levying a special tax for roads and qualifying for aid from the state highway department, and the police jury of East Baton Rouge called a special election to authorize a bond issue to complete a model road in that parish.

Drainage districts may be created in a manner similar to that prescribed for road districts. The drainage work is under the direction of five drainage commissioners, three being appointed by the police jury and two by the governor, and is financed by loans and a special tax on general property, or on land alone, the latter being known as an acreage tax or forced contribution. The control of the Mississippi River and its tributaries, while really a national question, should not be omitted from the list of local administrative problems in Louisiana. Very little of the drainage of the state flows into the Mississippi, which nevertheless brings the drainage waters of half the United States into southern Louisiana, and at its flood levels is a serious menace to a large section of this commonwealth. Not only is the cost of levee construction and maintenance a heavy burden, but the breaking of a levee, with its destruction of property and demoralization of industry, means a decline in tax assessments and an empty local treasury. The people of the alluvial districts, therefore, are earnestly advocating federal control of the levee system. The state expends a part of its general income (in 1911, \$336,930) for levee construction, and to this is added a large sum from local taxes. The regions subject to overflow are divided into fifteen levee districts, which raise by special taxation over a million dollars a year. In 1911 this sum amounted in round numbers to \$1,600,000, and it is derived from the following sources:

an additional *ad valorem* rate on general property, an acreage tax, a produce tax, and a tax on railways. The levee boards of the various districts are also empowered to issue bonds, and have done so to the extent of \$6,637,400.

Owing to the mild climate and easy means of securing subsistence, the care of paupers is not so serious a problem in Louisiana as it is in more northerly states. Only a few parishes maintain almshouses and the general rule is to furnish a small amount of outdoor relief—usually three or four dollars per month—to those on the “pauper list.” This system is subject to none of the abuses which have developed when it has been tried in more populous communities. The insane constitute a more serious local problem, perhaps, than do the paupers. Owing to the limited accommodations at the two state hospitals for the insane, a large number of these unfortunates are confined in parish jails.

Public health and sanitation are receiving increasing attention from the parish governments. Under the direction of the State Board of Health a vigorous campaign, with a “health train” and a corps of lecturers, has been conducted throughout the state and has reached the remotest villages and hamlets. The results are bearing fruit. Police juries are appropriating money to aid in the eradication of the hookworm and are providing for complete records of vital statistics. Another progressive step is the appropriation of funds by the parishes for farm demonstration work. This measure is rendered all the more desirable since the advent of the boll-weevil in the cotton regions has necessitated diversified farming and more scientific methods of agriculture.

The regulation of the liquor traffic in Louisiana is still mainly a local problem, as the state-wide prohibition movement has not met with the same response in this as in the neighboring commonwealths. In 1908 the friends of prohibition made a vigorous effort to secure an anti-saloon law, but without success. In that year, however, twenty-eight parishes were already “dry” as a result of local option, and this principle, combined with high license, has met with public approval. Several parishes have large towns in which the anti-saloon forces are in the minority, but which have been made “dry” by the country vote. The opponents of prohibition in such municipalities are advocating the segregation of the town or city from the parish in local option elections.

Closely associated with most of the foregoing problems is the problem of finance. The advent of the boll-weevil caused a great industrial disturbance in the cotton-producing parishes, accompanied by a depreciation of land values and an exodus of farm labor to more favored districts. In the decade 1900-10, nine parishes experienced a loss of population. The decline in tax assessments in some of these communities has made the raising of sufficient revenues a difficult matter not only for the parishes but also for the state, and has necessitated the confinement of governmental activities within narrow limits. The inadequacy of income is complicated by an unsatisfactory system of taxation. A rated tax on general property forms the chief source of revenue for both the state and the local governments, and the present methods of assessment result in great inequalities between parishes, between classes of property, and between individuals. The assessments of real estate in the different parishes range all the way from twenty to seventy-five per cent of the value of the property. In the parish of East Baton Rouge, for example, property is assessed at about fifty-five per cent of its real value, while in the adjoining parish of West Baton Rouge the proportion of assessed to real value is only about twenty-eight per cent. This is an evil which the State Board of Equalization, for obvious reasons, has been powerless to remedy. If assessments are to be equalized they must be brought to the level of those of the parish of Orleans. This parish's assessments cannot be reduced without raising correspondingly its already high tax rate. In order to bring all assessments to the Orleans level, that is to 75 per cent of the real value of the property, those of Avoyelles parish, for example, would have to be raised 85 per cent; those of West Baton Rouge 165 per cent, and those of Pointe Coupée 250 per cent. No one has ever seriously maintained that such a measure could be successfully executed. After six years of agitation for tax reform a constitutional amendment, providing for the separation of the sources of state and local revenues, so as to eliminate the inequalities in the assessments of the state tax, was submitted to the voters on November 5, 1912, but was defeated by a large majority. Friends of the amendment sought to demonstrate statistically that its adoption would annually increase the revenues of the parishes to the extent of one million dollars without raising the existing tax rate. To the principle of separate sources of state and local revenues no great objection was

urged, but many believed that the proposed plan would sacrifice the interests of the parishes for the benefit of the state treasury. Heavier taxes on certain classes of corporations and a progressive inheritance tax were also included in the measure, and as these aroused much opposition from the interests affected thereby they materially contributed to the defeat of the plan. Tax reform, therefore, still remains one of the most vital problems of both state and parish governments.

COUNTY GOVERNMENT IN MISSOURI

By ISIDOR LOEB, PH.D.,
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In Missouri the county is not only the chief district for local government but, aside from a few counties, it comprehends practically all local administration except that which is carried on in incorporated cities and villages and in local school districts. The southern type of county government was introduced during the territorial period and social, economic, and political conditions have prevented any important modification of the system.

After the Civil War, when there was considerable immigration into Missouri from the north central states, the demand arose for a division of functions between the county and incorporated townships. In 1872 the legislature enacted an optional law for township organization similar to one existing in Illinois. The system encountered great opposition, partly due to the charge that it was more expensive but chiefly because of conservative attachment to inherited institutions. A new act providing a much less developed type of township government was passed in the next year and this in turn was repealed in 1877. In 1879 a new law was enacted and this has continued in effect, being amended from time to time.

Under the present law any county may adopt township organization with the approval of a majority of the voters voting upon that proposition and may discontinue the system in the same manner. In counties which have adopted township organization the county remains the more important unit. As the township takes over the functions of assessment and collection, there is no county assessor or collector. The township has also some functions of highway administration. In other respects, however, the organization and powers of the county are unchanged. The system of township organization has never received wide acceptance in Missouri. Only 33 out of the 114 counties of the state have ever adopted the system, and the 20 counties in which it now obtains represent the widest acceptance it has received at any one time.¹

¹ Its adoption has been confined chiefly to the western tier of counties south of the Missouri River and to a group of counties in the north central part of the

The five districts into which upper Louisiana was divided under the Spanish rule continued to exist after the Louisiana Purchase and became the original counties in the territory of Missouri. Fifteen additional counties were organized during the territorial period, of which five were in the district later organized as the territory of Arkansas. The subdivision of counties continued after the admission of Missouri as a state until at the time of the adoption of the present Constitution in 1875, 114 counties had been organized. In 1876, the city of St. Louis was separated from the county of that name and given all the necessary functions of a county which could be exercised in a city.²

The government of the county is carried on by a county court and a number of special executive and administrative officials. The county court is merely an administrative board possessing practically no judicial functions, its name having been inherited from an earlier period in which the administrative functions of the county were exercised by a judicial body. During the territorial period many experiments were made regarding the county board.³

The first legislature which met after the admission of the state established a county court of three members as the general administrative authority of the county. As in the territorial period, the elective principle was not recognized, the judges being appointed by the governor for a term of four years.⁴

state. These counties were the latest to be settled and thus felt the influence of northern immigration.

² The counties vary in area from Worth with 270 square miles to Texas which contains 1,145 square miles. The average is about 600 square miles. In nearly four-fifths of the counties the area is between 400 and 700 square miles. The legislature cannot change the boundaries of counties without the consent of a majority of the voters of all the counties affected by the proposed change. The population varies from 5,504 in Carter to 283,522 in Jackson which includes Kansas City. The average population excluding Kansas City and the City of St. Louis is 20,683. In more than two-thirds of the counties, the population is between 14,000 and 31,000.

³ The English justice of the peace system was the original form introduced. This was soon modified by the establishment of separate financial administration under a county board of commissioners and district assessors. A county auditor later took the place of the commissioners. The system proved too complex for the primitive conditions in the territory and in 1813 there was again a consolidation of judicial and administrative functions, first in the local county court and later in the circuit court which displaced the former. Under this system, each circuit judge had charge of the local financial administration in all of the counties in his circuit.

⁴ In 1825 there was a temporary reaction in favor of the justice of the peace system, but the county court plan was re-instituted by the next legislature in 1827. Four years later the offices were made elective. This continued to be the general form of county court until 1877, except that in 1855 the term was changed to six years, one judge being elected every two years.

During the period between 1841 and 1877, the general law governing the county court was changed by a large number of special acts applying to a particular county or counties. Some of these acts affected the functions of the county court, the most important being those which established separate probate courts and conferred upon them the jurisdiction over probate matters which under the general law belonged to the county court. By 1866 separate probate courts had been established in 79 out of the 114 counties.

Equally significant were the special acts relating to the organization of the county court. These were due to special conditions existing in some of the counties, such as small population, large cities and desire for representation of the townships on the county board.

The lack of uniformity and the other evils of special legislation led to the adoption of a provision in the state Constitution of 1865 prohibiting the legislature from passing any special law "for any case for which provision can be made by a general law."⁵ Special acts continued to be passed, however, as the legislature held that it could decide when provision could not be made by a general law. As a result the Constitution of 1875 not only prohibits all special laws "where a general law can be made applicable" but makes the applicability of a general law a judicial question to be "judicially determined without regard to any legislative assertions on the subject."⁶ The legislature is also specifically prohibited from passing any special law "regulating the affairs of counties," "creating offices, or prescribing the powers and duties of officers in counties" or "legalizing the unauthorized or invalid acts of any officer or agent of . . . any county."⁷ The constitution provides, moreover, that the county court in each county shall consist of not exceeding three members.⁸

Under the provisions of the constitution the existing organizations of the county court continued until the legislature could enact a general law. This was done in 1877. The organization of the county court under this law was a compromise containing features from many of the special acts. There are three members—a pre-

⁵ Art. IV, sec. 27.

⁶ Art. IV, sec. 53.

⁷ *Ibid.*

⁸ Art. VI, sec. 36.

siding judge and two associate judges. The county is divided into two districts as nearly equal in population as practicable without dividing municipal townships. One associate judge is elected by the voters of each district for a term of two years while the presiding judge is elected at large by the voters of the entire county for a term of four years.

The county court has functions in connection with financial administration, charitable relief, roads and bridges, licenses and various miscellaneous matters. It levies taxes on property for state and county purposes. The rate for state purposes is fixed by the legislature but the county court fixes the rate for county purposes subject to the maximum rates established by the constitution which vary according to the assessed valuation of property in the county.⁹ The county court cannot incur any debt in excess of the annual income of the county without the consent of two-thirds of the voters, and the debt must in no case exceed five per cent of the assessed value of property in the county except for building a jail or court house or for roads and bridges.¹⁰

The county court appropriates the county revenue for county purposes and audits and allows all accounts against the county. It constructs a jail and court house, has control over all county buildings and property, and attends to the investments of the county and other local school funds.

The administration of poor relief is a function of the county court. A county almshouse is usually maintained and outdoor relief is also granted.

The county court has general charge of the highways of the county. It provides for the opening of roads and constructs bridges over streams. It divides the county into road districts and appoints a road overseer in each district. The court appoints a county highway engineer to supervise the highway administration. The voters

⁹ During the first period of railroad construction in Missouri, between 1850 and 1870, public money and credit were freely granted by the state, counties, and other local subdivisions. In some cases fraud and in others gross negligence led to the incurring of the debt without securing the railroad. As a result there were incorporated into the Constitution of 1875 the most stringent provisions regarding taxation and loans. Art. X, sec. 11, 12. County taxes are also levied on licenses but these cannot be more than double the state taxes.

¹⁰ The members of the county court with the county assessor and surveyor constitute the county board of equalization, which has power to determine all appeals from the assessor's valuation and to equalize assessments of real and personal property in the county.

of any county may dispense with this official in which case the elected county surveyor attends to his functions. Provision exists also for the organization of special road districts under the control of a board of three commissioners. Such districts may levy taxes and incur loans for road improvement.

County licenses are required for numerous occupations. In most cases the licenses are issued by the county collector upon payment of the fee or tax. In the case of ferries and dramshops, however, application must be made to the county court which has discretion in granting the license.

The county court has a large number of miscellaneous powers including the division of the county into townships, selection of jurors, incorporation of cities, approval of bonds of county officials, organization of levee and drainage districts, sanitary matters, destruction of diseased plants and wild animals, determination of election precincts, selection of judges and clerks, and other duties relating to elections.

While the county court is the general administrative authority of the county, it retains only a limited power of appointment and has only slight supervision or control of county officials. Where a highway engineer exists, he is appointed by the county court which also appoints a physician to serve on the county board of health, a teacher to serve on the county text-book commission, the superintendent of the poor house, road overseers and minor officials and employees.

The following county officials are elected by the voters of the county: assessor,¹¹ collector,¹¹ treasurer, clerk of the county court, clerk of the circuit court, recorder of deeds, sheriff, coroner, prosecuting attorney, probate judge, public administrator, school superintendent and surveyor.¹² Until a few years ago most county officials were chosen for a term of two years. This term was increased for different offices from time to time until to-day all of the above officials hold for a term of four years except the prosecuting attorney who is chosen for two years. Certain of these officials cannot be elected to succeed themselves and in practice few county officials hold for more than two terms.

¹¹ In counties which have adopted township organization, there is no county assessor or collector.

¹² In Buchanan and Jasper counties there is a county auditor and in Jackson county a county marshal each elected for a term of four years.

The compensation of most county officials is fixed by the legislature but varies with the wealth or population of the county and the nature of the office. A few officers receive an annual salary or per diem but most officials are paid under the fee system or a combination of a small salary and fees. The law fixes the maximum amount of fees which can be retained and the surplus must be paid into the county treasury.¹³ The legislature this year, by placing the office of prosecuting attorney in all the counties exclusively upon a salary basis, has eliminated one of the greatest evils of the fee system.

The following discussion of the more important fields of activity of county officials will indicate the chief problems which have arisen in county administration.

Taxation

The administration of county taxation is intimately connected with that of the state and of its other local subdivisions. The general property tax obtains for all divisions of the government and the assessment of property for taxation is practically made by the county authorities. While city assessors exist, the assessment for city purposes can not exceed that fixed for the county.¹⁴ The collection of taxes for all divisions of the government except cities is likewise made by a county authority,¹⁵ and the revenue of the other divisions is largely dependent upon the efficiency of the county official.

The county assessor or, in counties under township organization, the township assessor, assesses real and personal property.¹⁶ The property owner is required to hand in a list of all his property with its actual cash value. This is not binding upon the assessor who makes the assessment, but in practice the personal property list is rarely changed by the assessor, who is not in a position to ascertain the real facts. As regards the real property, it is a physical impossibility for the assessor to make an accurate annual assess-

¹³ In the larger counties, such as Buchanan, Jackson and Jasper, most of the county officials receive a fixed salary and pay all fees into the county treasury.

¹⁴ The city assessor is in most cases a superfluous officer, as he does no more than copy the county assessment.

¹⁵ In counties under township organization, the assessor and collector are township officials.

¹⁶ Railroad, bridge, telegraph and telephone property is assessed by the state board of equalization.

ment. As a matter of fact, the assessors make no attempt to carry out the statutory provisions. Custom within a county has established the rule that property shall be assessed at a certain proportion of its actual value and one assessor follows the practice of his predecessors. As the customary proportion is not the same in all counties, it results that inequality of assessments exists among the different counties of the state. Within the same county the rate of assessment is usually higher in urban than it is in rural districts, since the limitation on the rate of city taxes makes a higher assessment imperative. On the other hand the per cent of personal property assessed in rural districts is much higher than is the case in urban communities. Ignorance and political and other considerations lead in many cases to inequality within the same county as among different individuals and different classes of property.

The county board of equalization which may act upon its own motion or upon complaint from a taxpayer, does little to improve the situation, as it is affected by the same conditions which influence the acts of the assessor. Much the same is true of the state board of equalization which consists of the governor, secretary of state, state auditor, state treasurer, and attorney general. This board has authority to equalize assessments among the counties but not among different persons or property within a county. The officials who make up this board have neither the time, information nor powers to adequately correct the evils. Political considerations also affect the solution of the problems by this body.

The fundamental defect is to be found in the lack of supervision and control over the acts of the assessor. This official has usually had no experience to qualify him for the position. While he is honest, he is frequently ignorant of the provision of the law which requires assessment at actual cash value and is unable to overcome the traditional rate established by his predecessors. He requires the moral and legal support of efficient state supervision such as is secured from state tax commissions in some states. Some of the more enterprising assessors have formed a state association of county assessors which meets annually. Difficulty arises from the fact that the assessors who most need the benefit of such an organization do not attend. Such an organization should be recognized by law and attendance should be compulsory and at public expense. Improvement would probably result if the state

auditor had authority to send expert revenue agents to advise with assessors and county boards of equalization. Effective reform, however, cannot be secured without the establishment of a central authority with power of supervision and, where necessary, of final determination.

The county collector or, in counties under township organization, the township collector collects all state and local taxes except city taxes and pays them over to the proper treasurer. The fact that the compensation of the collector depends upon the amount of his collections usually serves as an adequate incentive to efficiency. It is found, however, that collectors vary in the percentage of their collections and in some cases counties and school districts suffer from inadequate collections. The statutes provide means for holding the collector responsible in cases of wrongful acts or negligence but judicial action is required in all cases. The efficiency of the official would be improved by subjecting him to the supervision and control of the state auditor. In most cases the office of city collector is an unnecessary expense and inconvenience to the taxpayer and the situation would be improved by having the county collector collect city taxes on property.

Expenditure and Accounting

The administration of the county treasury has been much improved since the adoption of the county depositary law under which the money is deposited in banks offering the highest rate of interest. Before this law was adopted the election of a county treasurer was usually a contest among rival banks. Little has been done, however, to improve the system of auditing and accounting which is carried on under methods adopted in the earliest periods when the amounts involved were insignificant as compared with present conditions. Buchanan, the second largest county in the state, is the only county with a county auditor who is elected as other county officials.¹⁷ He countersigns all county warrants issued by the county court and keeps the accounts of the county with all officials who handle any funds. In all other counties, these functions are performed by the clerk of the county court.

For a number of years unsuccessful attempts were made to

¹⁷ The present legislature has made provision for a similar office in Jasper county.

introduce a uniform system of accounting for state institutions, counties and other local governments under the supervision of the state auditor or a separate state department. The legislature this year has finally made provision for such a system in the office of the state auditor. As regards counties, however, the bill was modified so that the system can be introduced only upon the request of the county court. The fact that the county court has charge of the investment of county and other local school funds has made the more imperative the establishment of some supervision of its financial operations.

While the legislature has not been disposed to favor any central administrative control over local finances, it has not hesitated to introduce legislative centralization in particular counties. For example, acts have been passed creating new offices and increasing official salaries in some counties. It has been possible to do this despite the prohibition upon special legislation by making the acts apply to counties of a certain population or to those containing a city with a certain number of inhabitants. These acts have been held constitutional even where only one county is affected. It is claimed that bills introduced in the legislature now in session will, if passed, increase the annual salaries of officials in Jackson county by more than \$75,000.

Charities and Corrections

It has been pointed out that poor relief is a function of the county court, which for this purpose maintains a county almshouse and also grants a limited amount of outdoor relief. While the county board is authorized to maintain a hospital for the sick poor, this has been done in only one county. Nine counties still use the primitive system of sending the poor to board at a given rate with private families. Most counties in abandoning this system bought a farm and employed a superintendent to look after the poor and use them as far as possible on the farm. As a result, the almshouse in the majority of counties is a farmhouse, and the county court is apparently more interested in the successful management of the farm than the welfare of the inmates. While a number of counties have erected modern buildings, the physical conditions in most of the almshouses are very bad. While the county court may send poor patients to the state hospitals for the insane and pay

for their support out of county revenue, many counties still keep insane and feeble-minded persons in the county almshouses, which are wholly unprepared to give the proper care. Children are also kept for long periods in these institutions. Similar undesirable conditions exist in most of the county jails which are under the supervision of the sheriff, who is allowed fifty cents a day for boarding prisoners. The fee system and the temporary character of the administration have not only prevented the introduction of reformatory measures but have tended to produce very bad physical and moral conditions.

The judge of the circuit court may and upon the petition of fifteen citizens must appoint six persons as a board of visitors for the inspection of all public charitable and correctional institutions of the county. This board is authorized to make recommendations to the county court regarding improvements in such institutions. These boards have materially improved conditions but in the majority of the counties no boards have been appointed.

The State Board of Charities and Corrections has power to make investigations of and require reports from all charitable and correctional agencies and institutions, and may submit recommendations to the governor. It has not had any supervisory control over state or local institutions and its powers have been defined in such general terms that it has not been able to deal with specific problems. The appropriations made for its support have enabled it to do little more than maintain its office and publish its reports and recommendations. The first thorough inspection of county jails and almshouses, which was made in 1912, was secured through the cooperation and financial assistance of the State Nurses' Association.

The publication of the results of the investigation caused the present legislature to enlarge the functions of the state board by giving it supervision over county jails and almshouses, with power to make regulations for the care of inmates, and by requiring county courts to report regularly the nature of their contracts for the care of paupers and to submit plans for the improvement or construction of jails and almshouses to the board for its approval. Detailed reports regarding outdoor relief are also to be made annually to the board, which is given authority to decide controversies between counties regarding rights of settlement of paupers. The act creates

a children's bureau as a department of the board to supervise the treatment of all dependent and neglected children and makes it unlawful to keep children between two and eighteen in any county almshouse.¹⁸ While the legislature has not made adequate financial provision for the work of the state board, the provisions of the above act will enable it to introduce noteworthy improvement in this field of county administration.

Public Schools

The improvement which has been made in recent years in the administration of public education furnished a good model to be followed in the field of charities and corrections. Until a few years ago complete local autonomy for each small school district was the normal condition. The state appropriated annually one-third of all its general revenue to be distributed among the school districts in proportion to the number of persons of school age without regard to the character of the school, the extent of school attendance, or the necessities of the local community. There was a county commissioner of schools who had authority in granting teachers' certificates but neither he nor the state superintendent of education had any power of supervision and control over the schools. A local option law existed, under which a county could provide for the election of a county superintendent of schools, but advantage was taken of this in only a few of the counties.

In 1909, however, the system of county supervision was made compulsory in all counties, the county superintendent having general supervision over all schools in the county except in districts which employ a superintendent who gives at least one-half of his time to supervision. Since that time conditions have materially improved, especially in rural schools. In 1911, the school apportionment law was changed so that the school attendance, length of terms, number and salary of teachers are the important factors in determining the quota of a district. The compulsory attendance law enacted in 1905 has been strengthened but its administration is still left largely in the hands of the local boards of education. Statutory provision has been made for consolidation of rural school districts but not

¹⁸ The present legislature has made provision for granting pensions out of the funds of the county to a mother who has one or more children dependent for support wholly or in part upon her labor.

much progress in this direction has been accomplished. Inspection and classification of schools by officials from the state university and the state department of education have done much to improve conditions.

The legislature has just enacted a number of important laws affecting public educational administration. Three of these acts provide for state aid, one for rural high schools in consolidated districts, one for high schools in poor districts which have levied the maximum tax rate provided by law, and the other for first class high schools giving teacher training courses. In all cases the approval of the state superintendent of public schools is required. Other acts provide for paying the traveling expenses of the county superintendent of schools and for annual meetings of the presidents and clerks of all school boards of the county called by the county superintendent for the consideration of questions pertaining to school administration, each official being entitled to receive a small compensation and mileage.

Highway Administration

The decentralized system of highway administration has not favored the improvement of roads. The county courts have, in general, constructed good bridges over important streams but aside from a few counties in which there has been an intelligent public opinion or in which considerable revenue from saloon licenses has been available, little has been accomplished in the way of permanent improvement of roads. Toll roads are still maintained in some counties. The situation has been much better in special road districts and the number of such districts has been increased in recent years. The legislature a few years ago commenced the policy of granting state aid but for the most part this has not been based upon any stimulative principle and has not secured any adequate returns. The state board of agriculture has appointed a state highway engineer who has given valuable advice to local officers and has promoted local activity in road improvement. He has not had, however, any supervision or control over local officials of highway administration.

The present legislature has passed a number of laws affecting highway administration. Perhaps the most significant is one creating a state highway department under the administration of a state

highway commissioner appointed by the governor. This official will take the place of the state highway engineer in giving information and assistance to local highway authorities. The act provides, moreover, that he is to perform all duties with respect to the construction and maintenance of roads that may be provided by any system of state aid which may be adopted.

An opening for a system of central supervision and control over highway administration has been furnished in another act of the legislature, providing a system of roads connecting all county seats in the state and creating for this purpose a county highway board consisting of one member appointed by the county court, one by the state highway engineer, and one by the governor. If the county has a county highway engineer, he is *ex officio* a member of said board. The act provides for state aid and the state highway engineer is to assist in selecting the route and to audit all accounts to be paid out of the state treasury.

Public Health

Outside of cities, there has been little effective sanitary administration in Missouri. The county board of health is composed of the judges of the county court and a physician appointed by them. It has quarantine powers similar to those possessed by the state board of health, and is required to enforce such regulations as the state board may prescribe. It would be difficult, however, to compel the county authorities to take positive action in this field and little if any effort has been made in this direction. A few years ago the legislature gave the state board control over vital statistics with authority to divide the state into registration districts and to appoint local registrars.

Miscellaneous

The control over liquor licenses has been left to the county court subject to the local option and other laws regulating the liquor traffic. On account of the political influence of saloons in large cities, this power was taken away from the local authorities in the city of St. Louis, which possessed the function of a county in this matter, and was delegated to an excise commissioner appointed by the governor. The present legislature has passed an act giving the mayor the power of appointing a bipartisan excise board

reserving, however, to the governor the power of removal. While this act was passed in obedience to the demand for "home rule," the same legislature provided for the appointment by the governor of a bipartisan excise board for the county of St. Louis. This county adjoins the city of St. Louis and open violations of the Sunday closing law have been the rule.

Under the local option law the majority of Missouri counties have prohibited licensed saloons. The present legislature has passed a county unit bill which will extend the dry territory by including many cities with over 2,000 population which have previously voted independent of the county on this matter.

The abolition of licensed saloons increases violations of the excise laws. Those who are opposed to prohibition succeed frequently in electing local officials of police and judicial administration who refuse to enforce the excise laws. In a few counties, this condition has become notorious but the legislature has declined to give the governor power to remove such officials though he may direct the attorney-general to prosecute cases in such counties. In the three largest cities of the state, the governor has had the power of appointing and removing police commissions which have full control over the city police systems. In this way the enforcement of state laws in excise and other matters has been secured. On account of the demand for "home rule" the present legislature has substituted the mayor for the governor as the appointing authority in the case of the St. Louis police commission, but the governor retains the power of removal.

The counties have full charge of all matters relating to elections. In St. Louis and Kansas City, however, administration of such matters is vested in a board of election commissioners appointed by the governor.

COUNTY AND TOWN GOVERNMENT IN ILLINOIS

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Local government in Illinois has received considerable attention from others than those directly engaged in its operation, as illustrating important phases in the development of local institutions throughout the United States.¹ The best known accounts, however, have been based mainly on the statutory provisions; and have not given sufficient attention either to the earlier history or to the actual operation of local government in recent years. Since 1900, more thorough studies of some of the historical phases of the subject have been made, through the efforts of the Illinois State Historical Library, the Illinois State Historical Society and the University of Illinois.² During the past year, the writer of this article has prepared for a joint committee of the general assembly of the state a general survey of the historical development and a descriptive and critical discussion of the existing system and its operation. This survey forms the basis of this article.

Historical Summary

To summarize briefly the main tendencies in the development of local institutions in Illinois is more difficult than is indicated by the sweeping generalizations of previous writers. A careful analysis of the complicated mass of detailed legislation shows many conflicting provisions; and the broader lines of movement have at times been seriously interrupted by counteracting and cross currents, which tend to confuse the situation. The most salient characteristics may, however, be noted along two main lines: the movement from a simple and concentrated organization to a highly differentiated list of local officials, as yet lacking organization and correlation; and

¹ Elijah M. Haines, *Township Organization: Its Origin and Progress in the Western States*. American Social Science Association, 1876; Albert Shaw, *Local Government in Illinois*. Johns Hopkins University Studies in Historical and Political Science, 1883.

² *Publications of the Illinois State Historical Library and Society*, Nos. 2, 3, 9, 11, 12; *Bulletins of the Illinois State Historical Library and Society* Vol. I, Nos. 1, 2; *Illinois Historical Collections*, Vols. II and V.

the movement from a centralized system, proceeding for many years in the direction of decentralization, but more recently showing some more centralizing tendencies.

During the various stages of territorial government in Illinois, local officials were appointed by the territorial authorities, and judicial and administrative functions were concentrated in the same hands. In these respects the local institutions followed the systems of Virginia and Kentucky. Provision was, however, made from the organization of the Northwest Territory for both county and township officials, the latter showing the influence of the Middle Atlantic States.

Under the first state constitution of Illinois (1818), the establishment of elective county commissioners formed a distinct step towards decentralization and the separation of judicial and administrative functions. These changes showed a tendency towards further development in the direction of the Pennsylvania system of local government. But during the first decade of the state, the disintegration of the early civil township, and the formation of distinct sub-districts of the counties for elections, roads and other local purposes showed the influence of the increasing migration from the Southern States.

Other changes during the period of the first state constitution were clearly in the direction of further decentralization of local administration. Justices of the peace were made elective in sub-districts of the counties in 1827; a considerable number of towns and a few cities were incorporated; in the last decade of this period a system of local school administration was organized based on the congressional townships and petty school districts; while the rapid multiplication of new counties, many of small area, showed the influence of the same tendency.

The second state constitution (1848) shows clearly the presence of conflicting forces. A series of restrictions on the formation of new counties put an end to further decentralization by this means; while the revival of county courts with both judicial and administrative powers, marked a return to the earlier and more concentrated machinery of county government. At the same time, however, the provisions for an optional system of township organization opened another way to further decentralization. But the town governments as established fell far short of the powers of the New England towns.

The township law followed closely that of New York; and its main features were the decentralization of road administration and state functions such as the assessment and collection of taxes, rather than the grant of important powers of local home rule. Nevertheless, the township system was rapidly adopted in many counties; while the incorporation of cities and small villages continued the process of administrative decentralization. The continued centralization of legislative power was clearly shown in the enormous and increasing mass of special legislation for counties, cities and other local districts, which forms one of the most notable characteristics of this period.

In the third state constitution (1870), special legislation was prohibited on a long list of subjects; and this restriction has been more effective than in other states in reducing the volume of special local acts. But this has not brought about any important general grants of legislative power to local authorities, and the main result has been to change the form of legislative control. Detailed general law or laws applying to certain classes of local districts have been passed in increasing numbers, adding to the complications of local administration.

The constitution of 1870 also returned to the separation of judicial and administrative functions in counties not under township organization, by reviving the system of county commissioners for such counties.

After 1870, the decentralizing tendencies continued for a time, in the further extension of the township system, and by the introduction (in 1887) of elective road district commissioners in counties not under township organization. The latter change removed one of the important distinctions between the two classes of counties in Illinois.

On the other hand, in the last twenty years there has been some tendency to increase the importance of the county as compared to the town, in the administration of poor relief and the assessment of property for taxation.

More notable has been the decline in the relative importance of the town, in comparison with the enormous development of municipal powers and functions in the incorporated cities. This enlarged importance of urban government has been due in the main to the increase of urban population; but also in part to the fact that the

municipal areas have been adjusted from time to time to correspond more closely to the convenience of administration than the fixed and artificial boundaries of the townships.

In the organization of town government, the town meeting has lost ground by close restrictions on the fundamental power of taxation, as well as by the failure to enlarge its authority; and the significant powers of town authorities are vested in administrative officials acting under the minute regulations of statute law.

Moreover there has been some development of state administrative authority, by the transfer of functions to state officials such as the assessment of railroad property by the State Board of Equalization, the development of state charitable institutions, recently more thoroughly centralized under the control of the State Board of Administration, and other state offices and institutions. There has also been some development of state aid and supervision of local authorities, through the State Superintendent of Public Instruction, the State Board of Charities (recently replaced by the State Charities Commission) and the State Highway Commission. But as yet this latter tendency is less notable in Illinois than in other states, such as Massachusetts, New York and Wisconsin.

The most general local government districts in Illinois are counties, townships and school districts. In addition there are organized many cities and villages, and also special drainage and park districts. These various municipal areas overlap each other; and the system as a whole is more complicated and confusing than in any other state.

County Government

There are 102 counties in the State of Illinois, ranging from counties of less than 200 square miles and 7,000 population to counties of over 1,000 square miles and more than 100,000 population. There are twenty-nine counties with an area of less than 400 square miles, the constitutional limit for new counties; and there are half a dozen counties with an area of more than 1,000 square miles. There are fifty counties with less than 25,000 population, and seventeen counties with more than 50,000 population.

A good many difficulties in the operation of county government are due to these wide variations in the area and population of counties. It is safe to say that the county officers required by the con-

stitution are more than are needed in many of the small counties; and that more efficient and economical administration could be secured by combining two or more officials into one, or by giving some of the officials jurisdiction over several of the smaller counties, or by uniting several small counties into one.

County boards in Illinois are organized on three distinct types: a board of three commissioners elected at large, in counties not under township organization; a board of fifteen commissioners for Cook county, ten elected from the city of Chicago and five from the rest of the county; and boards of supervisors, elected by towns in other counties under township organization. The latter range in size from five members in Putnam county to fifty-three in LaSalle county. In eighteen counties there are thirty or more members in the board of supervisors.

The large board of supervisors has often been supported on the theory that the county board is the legislative branch of county government. But an examination of the powers and functions of county boards shows that, apart from making appropriations and levying taxes, for the most part they act as administrative bodies. For this purpose the large board is unwieldy and ineffective. Only five or six other states have county boards as large as the boards of supervisors in Illinois; and most, even of the states with town government, have county boards of from three to seven members.

A small majority of the replies to inquiries sent to county officials in Illinois in counties under township organization were in favor of a small board of county commissioners in preference to the present boards of supervisors. From thirty-nine counties under township organization there was a decided preponderance in favor of county commissioners; but a majority of the replies from thirty-four counties were opposed to small boards of commissioners. This situation seems to show the need for some other alternative, occupying perhaps a middle ground between the two main forms of organization now permitted in this state. At the same time much of the detailed administrative work now performed by the county boards should be done by county officers; and one of the county officers might well be recognized as the chief executive officer.

In each county there are elected from nine to thirteen officers. From four to seven county officers are elected at one time, at the general election in November of even-numbered years, along with

state officials and members of the general assembly. It is coming to be recognized that the long ballot necessary for so many elective officers prevents anything like true popular selection in the choice of these officers; and the demand for a short ballot calls for decided changes in the method of selecting county officers. Some improvement could be secured by eliminating statutory offices from the elective list; but as most of the county officers are provided for by the state constitution, a satisfactory solution can only be secured by amendment or revision of the constitution.

The county clerk has the most varied duties, and from his official contact with all branches of county administration is tending to become the *de facto* chief executive officer of the county. He is custodian of the county records, clerk and accountant of the county board and clerk of the county court; he has important duties under the primary and election laws, and in the assessment of property and the extension and collection of taxes; he issues hunters' and marriage licenses, and performs numerous other duties. If the county clerk were given some of the legal powers of a chief executive, the responsibility and efficiency of county administration could be improved.

The county judge, in most counties, deals mainly with probate administration; but in counties of over 50,000 population this business is vested in a separate probate judge. The county judge also has jurisdiction in civil and criminal cases, and has some administrative functions, mainly in connection with elections and taxation.

The county treasurer is not only custodian of county funds, but is also county collector of taxes (collecting state, county and local taxes) and supervisor of assessments in counties under township organization, and is assessor in counties not under township organization.

The clerk of the circuit court acts also as recorder, except in counties of more than 60,000 population, in which a recorder of deeds is elected.³ In counties with a distinct probate judge, there is also a probate clerk.

The state's attorney is primarily a public prosecutor in criminal cases, acting as agent of the state; but he also acts as legal advisor and attorney for the county and county officers. This officer might

³ In Cook county there are also circuit and superior court judges and additional court clerks elected.

well be appointed by the governor or attorney-general, as a direct representative of the central state government; and one official might act for two or more of the smaller counties.

The sheriff may be called the constituent officer of the county. His principal duties are now as chief conservator of the peace and executive agent of the judicial courts. In counties not under township organization, he is collector of taxes. By an act of 1905 if a person in the custody of a sheriff is lynched, the governor shall declare the office of sheriff vacant.

The coroner holds inquests on the bodies of persons whose deaths are supposed to be due to violence or other undue cause. The procedure is antiquated; and this work could be better done by appointing competent medical examiners, and authorizing the state attorneys to investigate cases where need for criminal proceedings is shown.

The county superintendent of schools acts as agent of the state in distributing the state school fund, and also inspects and supervises the local school officials, under the supervision of the state superintendent of public instruction. He forms a more effective intermediary between the state and the local officials in the smaller local districts than is provided in any other branch of public administration.

The county surveyor (a statutory office) makes surveys in special cases, for private parties or on the order of a court.

County Finances.—The development of county administration is limited by constitutional limitations on the tax rate and amount of debt; while the tax rate is further restricted by the Juul law. In fact the total amount of county taxes remained almost stationary from 1870 to 1900. Since the latter date there has been a considerable increase, from \$6,179,195 to \$11,546,266; but most of this has been in Cook county. The highest tax rates are in the small counties.

County expenditures are supposed to be under the control of the county boards. But numerous fees and some salaries and other expenses are regulated by statute; and about forty per cent of the county expenditures are paid without the action or control of the county board.

An attempt to compile statistics of county finances for analysis and comparison had to be abandoned for lack of data from most of the counties. But the information received from fifteen counties,

supplemented by a more detailed examination of the records of Sangamon and Piatt counties, serves to show clearly the inadequacy of existing accounting methods. Except in Cook county, no officer keeps a complete record of all the financial transactions of the county; and no statements are prepared consolidating and summarizing the records of the various officials. In fact, the different reports do not even cover the same fiscal year. The several officers receiving fees and commissions pay from these the expenses of their offices; and only the surplus is paid into the county treasury. At the same time, a large part of the fees and commissions are paid by the county; and to add together the total amounts in the several reports would involve duplication to a considerable extent. Expenditures are reported on the basis of warrants cancelled, instead of on warrants issued, and thus do not show the expenses properly chargeable to a given year. Nor do the present accounts and reports classify the expenditures for the main purposes of county administration, nor do they separate ordinary expenses from payments for permanent improvements, or compare expenditures with appropriations. No balance sheets of assets and liabilities are prepared.

To secure a satisfactory system of county accounts and financial reports there is need for the service of trained accountants. A number of other states have provided for county auditors; and by recent legislation auditors have been provided for Illinois counties with over 75,000 population. But there is clear need for establishing a uniform system of accounting in all the counties, with a regular inspection and audit of accounts by a state official, as is now established in Ohio and other states. Such arrangements would permit of the release of county officials and their bondsmen from further liability after their term of office.

Poor Relief.—Local relief in Illinois is furnished partly in county poor farms and partly by outdoor relief. Nearly every county maintains a poor farm and almshouse. Conditions in these institutions show some improvement in recent years, owing to closer inspection and the removal of the insane and other classes to state institutions. But the situation in most counties is far from satisfactory. The inmates of the county farms include the aged, blind, demented, feeble-minded, deaf and dumb and children; and as the average number in each county outside of Cook county is less than thirty, proper segregation of the different classes is impossible.

Petty politics often plays a prominent part in the management of these institutions. The average expenditure per inmate reported shows wide variations between different counties; while there are no satisfactory accounts of receipts and expenditures. In most counties hospital facilities and medical aid are inadequate.

In two-thirds of the counties the expenditure for outdoor relief is larger than that for the county farm. This aid is administered by the county commissioners and township supervisors, with appointed overseers in some places. In nine counties under township organization, the payments for outdoor relief are made by the town; in the other counties the expenses are paid by the county. The administration of outdoor relief lacks organization and system; reports, records and documents are defective and in many places lacking; while the range of expenditures in different counties shows the absence of any definite policy.

About thirty counties pay money pensions to blind persons, under a law of 1903; and in fifteen other counties allowances are made to some of the blind.

County Jails.—The condition of the county jails in Illinois, as shown by recent inspections of the State Charities Commission, shows little improvement over conditions shown by the first examination of the former State Board of Charities in 1870. A large majority of the jails are old and unsanitary. Only ten counties had jails in first class condition; and in thirty-seven counties the jails should be condemned as unsanitary. In seventy-two of one hundred counties the law requiring the segregation of minors from adults was violated; in eleven counties there were no provisions for women, and in many other counties the women's cells were not segregated from those of the men. Only seventeen counties did not have insane persons in the jail. In twenty-nine so-called "kangaroo courts" were permitted.

Township Organization

Any county may adopt or discontinue the system of township organization, on petition and a popular vote; a smaller petition being required for adoption than for discontinuance. There are now eighty-five of the 102 counties in Illinois which have adopted the township system. Since 1890 only two counties have adopted township organization; and under existing conditions

the counties with and without township organization seem likely to remain as they are. Most of the counties not under township organization are small in area and population, and all are in the central and southern parts of the state.

In the eighty-five counties there are 1,430 civil townships, with an average area slightly less than thirty-six square miles. Most of the townships are distinctly rural, with a population of from 1,000 to 2,000. But, except in Chicago, where the townships have been practically abolished, the townships include cities and villages within their geographical limits; so there are a number of townships of from 10,000 to 60,000 population. The township of Joliet contains 16,000 inhabitants outside of the city.

Towns in Illinois have very limited powers. They are vested with corporate capacity, and may levy local taxes and make by-laws for a few enumerated purposes and may vote to prohibit the grant of liquor licenses. They also elect a considerable number of officials, for road and judicial administration, and for the assessment and collection of taxes. But the matters which form the important business of New England towns are in Illinois looked after by the cities, villages and school districts.

Provision is made for an annual town meeting of the electors, on the first Tuesday in April, for the election of officers and the transaction of business; and also for special meetings. But in practice the town meeting is of slight importance. Its powers are closely limited,—the principal local tax (for roads) is levied by the highway commissioners—and in most towns it is attended by very few persons. Inquiries as to the attendance at the annual meetings in April, 1912, brought replies from less than a third of the towns in the state. Less than a third of these reported an attendance of more than fifty at the business meeting; and only thirty-nine towns reported an attendance of more than one hundred. In towns including cities of some size the town meeting is of even less importance than in rural towns; it is seldom attended by more than a handful of voters, and in some places no meeting at all is held.

Nearly three-fourths of the county officers who replied to inquiries as to the value of town meetings reported that they were no longer of any substantial service. Moreover, the strongest opinions in favor of the town meeting came, not from the northern counties where New England influences are most prevalent, but

from a few counties in the central part of the state. Many urged the abolition of the town meeting.

A town clerk, in a town of 2,500 population within fifty miles of Chicago, reported an attendance of thirteen persons, which included "six judges and clerks of election, two town officers, one professional candidate for moderator, and one innocent bystander in the booth marking his ballot, leaving three plain citizens, who were evidently interested in the meeting." In a period of twenty-five years, he states that on three occasions the road and bridge tax was levied at town meeting, and two resolutions had been adopted. Ordinarily the only business is to read the reports of town officers and levy the trifling town tax for miscellaneous expenses.

In a few towns the town meeting seems to be fairly well attended; but in some of these at least this appears to be due to local social customs rather than to interest in public affairs.

If the town meeting is to be continued, steps should be taken to enlarge its powers and to secure a larger attendance and interest. But for most towns in Illinois, the situation seems to call for a reorganization of town government, imposing more definite powers on officials who can be held responsible, instead of trusting to the few who accidentally attend a town meeting.

In each town there is elected a supervisor, town clerk, assessor, collector, three commissioners of highways, and two to five justices of the peace and constables. Assistant supervisors are also elected in the more populous towns. Most of the officers are now chosen for a two year term; but some officers are elected each year. Township elections are not subject to the primary law, presumably because this seems unnecessary in rural districts. But this results in the selection of important officials in towns which include cities by the unregulated caucus or "soap box" primary.

The supervisor and assistant supervisors are members of the county board. The supervisor also acts as town treasurer and in most towns as overseer of the poor. The duties of other officials are indicated by their titles. The supervisor, town clerk, and justices of the peace of each town constitute a board of town auditors.

A considerable reduction could well be made in the number of town officers. The assessment of property and collection of taxes could be more efficiently done by county officers; and a single highway commissioner would be better than three. The supervisor should

also be made more definitely the chief executive officer of the town.

Town finances are of very slight importance. The road and bridge tax is separately administered; and the general town levy is usually not more than two or three per cent of the total taxes, and averages less than six cents on the \$100 of taxable value. The principal expenditures are for the assessment of property for taxation and the compensation of town officers.

An examination of the financial records of town officers in one of the larger counties disclosed not only an absence of any system of accounts, but also the lack of the most essential data even as to cash transactions, and frequent errors in the extension of figures. The collectors' commissions, which form one of the principal items, do not appear in the town records. There is no attempt at a classification of expenditures.

Local Administration

Tax Administration.—The assessment of property for state and local taxation in Illinois is made by county officers in the seventeen counties not under township organization, and in Cook county; and by town assessors, aided by county officers, in other counties under township organization. There have been prolonged and emphatic complaints of the results of the present system; and it seems clear that even real estate is far from uniformly or equitably valued, while the gross undervaluation of personal property is notorious. Assessments in counties under township organization appear to be more unsatisfactory than in counties where this work is in the hands of county officers. The revenue commission of 1886 and the special tax commission of 1910 recommended that town assessors be abolished and county assessors provided in all counties. County boards of review should also be reorganized, and a state tax commission established.

Taxes are levied for the state and various local authorities under a complicated series of statutes; while the aggregate amount of taxes which may be levied is limited by the intricate provisions of the Juul law. The present arrangements often lead to invalid levies and confusion; and there is need for more coordination and concentration of responsibility in making tax levies, as well as a less mechanical method of limiting the total.

In counties under township organization, taxes are collected by town collectors, and delinquent taxes by the county treasurer. In counties not under township organization, the sheriff is the collector. The tax collectors are allowed commissions on the taxes collected; both town and county collectors receiving commissions on the taxes collected by town collectors. There has been criticism of the town collectors as an unnecessary duplication of collection machinery; and some readjustment of the present system seems advisable.

Road Administration.—The construction and maintenance of public roads in Illinois are regulated by two distinct general laws, one for counties under township organization and the other for counties not under township organization, with a number of optional provisions for each class of counties. The main features of the two general laws are similar, each providing for the election of three highway commissioners in each town and road district, who levy taxes and look after the roads. Under the optional provisions, one county has a county system of road administration; and while some towns do all road work on a money system, many still use the primitive system of labor taxes. County aid is given in small amounts, mainly for the building of bridges.

Expenditures on the public highways have increased rapidly. The road and bridge tax has risen from \$1,259,851 in 1879 to \$5,673,235 in 1911. But there are wide variations in the rates levied in different sections of the state; and the present methods of administration clearly fail to secure anything like a satisfactory system of roads.

Complaints of the existing system of road management are even more numerous and general than with respect to other branches of local government. There is a strong demand for the abolition of town and road district commissioners, and the complete concentration of local road administration in county officials. There should at least be a thorough reorganization, with a single highway commissioner for each town and road district, road engineers for counties or larger districts, and a large measure of state aid and supervision in the development of a system of main highways.

Justices and Constables.—Justices of the peace and constables are elected by towns and election precincts throughout the state, except in the city of Chicago. In Chicago there is a municipal court, and

in nineteen other cities there are city courts, with elective judges; but in most cities the only local police courts are those of the justices of the peace. Under the fee system, which prevails in most places, there is room for abuse; and better results would be secured if municipal courts were established in cities in place of the justices. In the rural districts, there appears to be no serious complaint; but in the absence of any supervision over the justices there are no data on which to base an opinion.

Elections.—The large number of separate elections in Illinois, especially for various groups of local officials, is the subject of much complaint; and the burden of voting at from six to eight elections in a year easily accounts for the lack of interest in many elections. The local elections should be consolidated so far as practicable; and the primary law should be extended to townships including cities.

School Administration.—The management of public schools in Illinois is organized in a complex system, with state, county, township and school district officials. Local administration is primarily based on the petty school district, but includes a combination of township and district officers with county and state supervision. School townships are often not coterminous with the civil townships; and school elections are held at different times from both town and city elections.

While the school district is the smallest unit of local government in the state, the system of supervision by officials of larger districts is more thoroughly organized than in any other branch of public administration. To this systematic supervision of the district officials may be ascribed, in no small part, the greater efficiency of school administration. Certainly information as to schools and school finances is more readily available, through the system of reports, than for other local officials.

At the same time, there is criticism of local school administration; and the Education Commission in its report to the forty-sixth general assembly urged that the adoption of the township in place of the small school district as the primary unit would open the way to increased economy and efficiency in the educational work of the state. An examination of the reports of school finances indicates that under the present township management of school funds a large proportion of the funds handled are used for purely administrative expenses, which could be reduced if larger areas of administration were employed for this purpose.

Conclusions

This general survey of town and county government in Illinois confirms the results of other investigations in particular fields that the present decentralized and unorganized administrative machinery produces inefficiency and waste in the transaction of public business. Originating in a vague theory of local self-government at a time when, under frontier conditions, public business amounted to little, it has proved entirely inadequate to the complex social and industrial problems of to-day. The existing arrangements do not secure home rule for local communities in local affairs; but form a heterogeneous congeries of officials, lacking anything like systematic correlation to each other, and without effective responsibility either to the local communities or to the state, which vainly attempts to regulate their activities by an excessive degree of legislative centralization. To meet the conditions of to-day there is need for more systematic organization, and for a larger use of experts trained in special fields than can be secured by the smaller units of local government.

Where improvements have come in recent years, it has been by such means, as in the organization and supervision of local school administration, and in the more complete centralization of the greater part of public charity by the development of specialized state institutions. So, too, the movement for municipal home rule gains headway because the cities are securing a more systematic municipal organization, and deal with public affairs on a scale large enough to utilize the services of trained experts.

References are made throughout this paper to numerous proposals for changes in the organization of local administration in various areas and branches of the public service. Many of these have been primarily urged by students of special phases of the subject. May not the time be at hand when more rapid progress will be gained by taking a larger outlook and planning comprehensive changes along similar lines in the whole field of local government?

For any general and thorough reorganization of local government important changes will be required in several articles of the state constitution. In the article on counties, the provisions designating and requiring the election of county officers and the annual election of county commissioners and annual township meetings should be eliminated. In the article on the judiciary, detailed pro-

visions in regard to courts and the election of justices of the peace should be eliminated or made more flexible. The article on revenue should be amended to permit of changes in the present methods of taxation, and the limitations on tax rates and debt limits should be revised.

Such changes cannot be hoped for by the process of proposing separate constitutional amendments, which is more difficult in Illinois than in almost any other state; and to carry out a thorough reorganization of local government will require a constitutional convention to undertake a general revision of the state constitution.

Meanwhile, however, there are many changes and improvements which can be made by statute under the present constitution. These may be summarized as follows:

1. Provide for a uniform system of county and other local accounts, and for the annual audit of such accounts by state officers, so as to secure reliable data as to the finances of local authorities.

2. Provide a more efficient system for regulating the total amount of local taxes than the present Juul law. This will require a local body with discretionary power in place of the intricate and mechanical provisions of the present law.

3. Provide for the county assessment of property and for county collection of taxes.

4. An optional law vesting executive powers in the county clerk or some other county officer, and providing for county councils (comprising from seven to thirteen members) to be elected by districts within each county, to make appropriations, levy county taxes and exercise powers of local legislation. Such county councils have been established in Indiana.

5. Provide for the appointment of county or district road engineers; and authorize county boards to levy a county road and bridge tax; and with the approval of the voters to issue bonds for the construction of improved roads and bridges.

6. Authorize the State Civil Service Commission to hold local examinations for clerical and other subordinate positions in the larger counties.

7. Authorize county boards, on their own motion, to submit to the voters the question of adopting or discontinuing township organization; and prescribe a uniform rule as to the number of petitioners to require the submission of either question.

8. Provide that notice of annual town meetings shall state the business to be transacted, and fix a minimum attendance (of twenty-five) as a quorum for the transaction of business. Town meetings might well be granted additional powers to deal with the local problems of small villages.

9. All cities of over 10,000 population should be separately organized as towns; and in such towns the powers of town meetings and town officers should be vested in the city authorities.

10. Provide for a chief executive officer in each town, and also for a town board, to consist of the supervisor, town clerk, road commissioner (to take the place of the present highway commissioners) and justices of the peace. The town board to act as an executive committee and as a town board of health.

11. In counties not under township organization, one road commissioner and district clerk to be elected in each road district for a term of two years, the district road tax to be levied by the county board.

12. Town assessors and town collectors to be abolished.

13. Provide that town, road district, city, village and, so far as practicable, school elections shall be held on the same date, this date also to be the day for any general primary election held in the spring.

14. The township system of local school administration, recommended by the educational commission, would not only improve educational conditions, but would simplify the general system of local government in Illinois and increase the public interest in both town and school elections.

15. City courts or salaried police justices should be provided for all cities of over 10,000 population.

PART TWO

TYPICAL PROBLEMS IN COUNTY
GOVERNMENT

THE COUNTY EMPLOYEE

BY WINSTON PAUL,

Secretary, Citizens Federation of Hudson County, Jersey City, N. J.

I. *The Inefficiency of the Employee*

The story is told in a certain county in New Jersey that one of its elective county officials went to the county board of chosen freeholders with a request for four additional clerks. Only two were needed, but he figured the requisition would be cut down and he might consequently get the number wanted. Now this county official and the board were of opposite political faiths, and a representative of the board came to him and said, so the story goes, "You don't need four new men in your office, you need eight." The official saw the point at once and an appropriation was passed allowing for the appointment of four good republicans and four loyal democrats. So eight men were given jobs when only two were required.

When one has occasion to examine the payroll of a county office and to compare the number of men employed with the work to be done the foregoing story is a very plausible explanation of the condition which will frequently be found to prevail. There has been so little attention paid to county government in the past, the number of citizens who came in contact with its offices so few, and the public supervision of these offices so inadequate that practically any county department, taken at random, will show evidences of an excessive number of employees. If you will read the report of almost any investigation of a county department you will find a list entitled "Positions recommended for abolishment."

The elective county officials in New Jersey, the county clerk, register, sheriff and surrogate, formerly received no salaries, but were paid by fees out of which they met the expenses of their offices—and usually retired wealthy. Now these officials are on a salary basis. Hudson¹ and Essex are the two largest counties in New Jersey; they are adjacent and have similar population and wealth.

¹ Hudson county has the largest population and the smallest area of any in New Jersey. It contains Jersey City, Hoboken, Bayonne and ten other municipalities, and its county government costs a trifle under \$3,000,000 a year.

In Essex the four elective offices return the county an annual profit of about \$35,000, while in Hudson the net cost to the county of the register's office alone is \$55,000.

In Hudson county we found positions of similar work and responsibility receiving widely varying rates of compensation. The efficient and industrious employee should welcome the installation of time sheets and job or work records so that promotions and salary increases could be fairly based on ability to perform work, and not on favoritism. It would be advantageous if we could have fewer, but more efficient, employees, who could then receive higher compensation in return for their increased efficiency.

Last fall a study was made of the payrolls and the working force of each county department in Hudson county, and a report was published under the title "Comparisons of Appropriations and Salaries," in which it was shown that there has grown up a system of compensation which resulted in higher payrolls and a larger number of employees than is required in other counties, where an approximately equal volume of work is to be performed. To make the facts more impressive than the mere citing of figures would allow, the graphic method was used to depict the results of the study. In this examination it was found that, as a rule, the heads of departments received salaries out of all proportion to the services rendered, and that, while some subordinates were underpaid, many received higher compensation than is given men doing similar work in other counties. Hudson county is probably exceptional in this, however, as in most county departments the subordinates are poorly paid. Compensation of public employees is too frequently based on "pull," rather than on work performed. The human element is now recognized as a fundamental factor by efficiency experts. It seems strange that we have paid so little attention to the selection and training of competent employees when ninety per cent of the expenditures of some of our county departments goes into salaries.

County officials are usually nominated by party machines and elected by voters who have practically no knowledge of the requirements or functions of the offices to be filled. The numerous elective heads of our county departments are so engaged in keeping their political fences intact that the guarding of the public's fences is left to subordinates. The deputy or chief clerk of these county departments, particularly in the larger counties, is frequently the man who

actually runs the office. Generally the deputy is an efficient and experienced man who has spent many years in the position. The subordinates are usually selected without the requirement of any special qualifications and regardless of the peculiar needs of the position to be filled. Even under civil service little attention is paid to aptitude and personal habits, and practically no effort is made to interest desirable candidates. The essential qualifications of a prospective employee for any business, private or public, is that he should have aptitude for the work of that position; training and experience are of secondary importance.

The plan of having a business manager for a county to serve under a small board has been advanced and merits most careful consideration. It has many advantages, chief among which is that the manager would be able to treat the force of county employees in an original and businesslike manner. Such an experiment should be beneficial to the employee and to the public at large.

II. *To Obtain Maximum Efficiency from the Employee*

1. The department or office must be correctly planned and efficiently organized, so as to get the work done accurately and promptly, and with as little red tape as possible. This requires a precise statement of the work or functions to be performed, and the man or men responsible for each separate function. This is usually accomplished by means of a chart. If one will try to chart the working force of almost any department in a good sized county the need for a reorganization of the departments will be quickly realized. It will be apparent that there is inequality in the amount of work expected of the employees, that there is confusion as to responsibility for the performance of certain duties and that much energy is being misapplied or wasted.

2. Employees must be selected scientifically—with a view to the positions to be filled. Men are appointed without proper investigation of their physical, mental or moral qualities. There are heads of departments with appointive power who do not know that it is possible by scientific character analysis to predict whether a given man can adequately meet the duties of a given position.

3. Having selected men who have aptitude for the various positions, they must be trained in the best methods, and then team play must be secured. The right men, correctly placed, need to have instilled in them a spirit of unity.

4. The next step is to keep job sheets, showing the quantity and quality of each man's work, on which records, increased pay and promotions can be impartially determined.

5. The avenue to promotion should be kept open as a reward for merit and as an incitement to the ambitious to advance in ability and efficiency.

III. *The Necessity for Improvement in Efficiency*

Many of our counties and municipalities are already so heavily bonded that future generations will be embarrassed to raise funds for necessary improvements. So we must recognize the necessity for instituting scientific and efficient methods of administration. The conduct of a city or county department can be and must be as economical as that of a private corporation. The employee should welcome the movement for the installation of approved business methods, as it will revert to his benefit as well as to the public's.

It is highly desirable that the public should take a new attitude toward its officials and employees. Many of these are faithful men who take a great pride in their work and who strive to protect the public interest, with little recognition from citizens. Citizen bodies should recognize faithful and efficient services, and the public should reserve the highest places in its esteem for upright and successful officials. Publicity has its function of illuminating the good as well as the bad. Give recognition and high public esteem to the deserving, and the public service will attract and hold the best of our young men.

Why have our public schools never attempted to train the young for the public service? Our libraries and schools should cooperate not only in interesting and informing citizens about matters of county and city government, but also in turning the attention of those seeking a vocation to the opportunities of the public service, and to preparing them to enter it.

THE COUNTY IN POLITICS

BY CHESTER LLOYD JONES, PH.D.,
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The allegiance of the individual to the party is a feature of our political life which has attracted general attention. That the southern states should be democratic and a few northern states like Vermont and Pennsylvania should be republican, we have come to consider a matter of course. The persistence with which the intervening units, the counties, cities, and even townships and wards, cling to one party or the other often escapes our notice. Why a county or town settled by the same people, controlled by the same economic and social influences, should be staunchly republican or democratic, while the surrounding territory gives support to the opposite party, is hard to explain and often unexplainable.

Even where party organization is loose, and the population rapidly changing, one unit in the midst of others of a different political faith may steadfastly refuse to "bow down to false gods." Party for such a community is a tradition, an institution, almost a religion. No clearer instance of popular conservatism can be cited than the refusal of a political division to change its politics. Skilful politicians realize the value of this asset. Into the mold of the local political unit the party fits its machinery to accentuate and maintain the loyalty which it has partly created and by which in turn it maintains its existence.

What particular unit will be chosen as the basis of party organization varies with local conditions, historic, economic and political. If a party is hopelessly in the minority in a certain state, it tends to rely on the state organization more than on the local leaders. If it is strong it may find both the county and the town available bases for organization. It may concentrate its attention chiefly on the county as is done by the republicans of Pennsylvania, relying on a state committee to act as the central policy directing agency. It may divide its attention among a number of local units. In Missouri, for example, in both parties there is a much more complicated organization. School district committees, township committees, county

committees, congressional district committees and the state central committees all perform important party work. Of these groups four divide the larger work of the party. The state and county committees deal primarily with the state and national ticket thus cooperating with the national committee. The district and township committees work for the congressional ticket and therefore work with the congressional committee.

The choice in each case is opportunist. No civil division has created for itself a uniform importance throughout the nation but the unit most frequently used has been the county. Its convenient size, local pride and the fact that its offices furnish a rallying point for local contests, a means for measuring local opinion and the skeleton of a "county organization" for the purposes of the state and national elections have led to its use for general purposes. Counties have been used (1) as the basis for the legal organization of the party as in apportionments for state and congressional elections, and in acts bringing the parties under legal control, and (2) for organizing the electorate for the purely extra-legal activities of the parties.

THE COUNTY AS THE LEGAL BASIS OF PARTY ORGANIZATION

1. *Apportionment*

Division of the electorate into units for the purposes of representation is essential in party government. The basis of division may be the party itself. Each faction may be granted representation measured by the number of votes cast at the election. This is the foundation upon which all systems of "proportional" representation rest. But so frank a recognition of parties as the foundation of our political life has never been popular in America. Our states prefer to choose their representatives from territorial districts from each of which, with only negligible exceptions, but a single member is chosen. These districts themselves may or may not be determined in size by the population resident within them. Indeed the typical American method of distributing representatives in the state legislatures and congress is not one which in practice demands that each candidate chosen shall represent approximately an equal number of inhabitants. The idea of representation of locality so prominently exemplified in our national senate is expressed also in the basis of

representation in the legislatures of the states. It has always been so. In the colonial period, except in the three northeastern colonies, the political unit for the basis of representation was determined by the legislature as was also the number of representatives to be elected from each unit. Except in New England, where the township system gave rise to representation even more unequal, the choice was based on a county or borough basis. Little attempt was made to make the districts equal or to assign them representatives according to population. The importance of individual opinion as the basis of party action was disregarded. This complaisance disappeared, but traces of the old system still survive in our constitutions. Over three-fifths of the states give recognition to the right of territorial units within the state to representation without reference to the number of their inhabitants. In thirty-three states, including twenty-one of the twenty-six east of the Mississippi, the constitutions guarantee even now that each county shall have at least one member regardless of population. As a rule this provision has now ceased to have any political importance. In a few cases it still constitutes a discrimination in favor of rural as against urban communities.

Even in the states where the constitutions did not prescribe such a rule, in the first half of the nineteenth century the legislatures by custom favored recognizing the county as an apportionment unit. Single member districts were not obligatory, seats in the legislatures were distributed primarily to counties, and within these the legislature might or might not prescribe a further distribution to smaller units.

In general the western states have freed themselves from the influence of the "county" idea more quickly than their eastern neighbors. Especially after the federal apportionment act of 1842, which prescribed that members of the lower house of congress should be elected by single member districts, the state legislatures began to adopt a similar standard. Indeed the federal example no doubt, especially with the new states, was an important influence in bringing the change. The federal law required that members of the house of representatives "be elected by districts composed of contiguous territory equal in number to the number of representatives to which said state may be entitled, no one district electing more than one representative." Similar language soon after began to appear in the state constitutions. Thus Wisconsin in 1848 required that members

of its lower house should be chosen by single member districts "such districts to be bounded by county, precinct, town or ward lines and to consist of contiguous territory and to be in as compact form as possible."

The new system showed itself so easily manipulated by the gerrymander and the mere requirement that the districts should be "compact and contiguous" proved so flexible a rule in some states that the county was soon reintroduced in a new form for the purpose of checking the abuses of unequal apportionment. To stop the carving out of fantastic districts for party favorites or opponents. it was declared that, in making the districts, county lines should not be crossed. This scheme worked passably well in marking out such large sections as congressional districts; and for this purpose the counties and groups of counties are still the unit in ten states. But it was cumbersome when a large number of districts had to be made for the election of representatives to the state legislature. Indeed a requirement of this sort might actually force a gerrymander by making a division into districts with approximately equal population impossible. To be sure the increase in the number of counties which occurred in many states mitigated this evil somewhat, but, as a rule, the process was not rapid enough to keep pace with the increase in the number of representatives.

The scheme was evidently too cumbersome and the county was gradually discarded as the sole basis for political apportionment. In only seven states scattered from Maine to Montana do counties and groups of counties now survive as the only units of representation. In some cases they still serve partially to check the gerrymander by reversing its relation to the legislative districts. It is provided, not that counties only may be combined to form the districts, but that single counties may be divided if each district lies within the limits of a single county. Like the prohibition joining parts of different counties, this system may, however, prove a protection to the very gerrymander against which it is to protect. This use of the county unit has proved to be only a step toward the entire abolition of the county basis in favor of the unrestricted power of the legislature to map out the districts. The dominant tendency is clearly in favor of single member districts unconnected with any other civil division. The county is no longer favored as an apportionment unit.

If there ever was a good reason for using the county as a basis

for representation, it has now disappeared. Probably the provisions which survive would be dropped from most of the constitutions if they came before the people on their merits. A few states would perhaps keep them because of the growing distrust of the city population, a circumstance which explains, for example, the clause of the New York constitution of 1894 which requires that "no two counties or the territory thereof as now organized, which are adjoining counties or which are separated only by public waters, shall have more than one-half of all the senators."

In this generation, accustomed to the rapid methods of communication that have broken down not only local pride but also to a large extent the state jealousies formerly so prominent, the whole scheme of county representation is an anachronism. Localities have ceased to be the basis of contrasting interests. Who would extend the basis of representation of the United States senate? There are in the normal case no county issues which require expression. Even the members of our much maligned state legislatures, charged with all the sins of pettiness on the political calendar, though recognized by the speaker under the name of their counties, do not represent their districts except on private bills and log-rolling measures. The whip of the party caucus added to the changed conditions of our political and economic life have made "the member from Buncombe county" at once less bound by local prejudice and less independent of the larger interests of his party.

2. *Election Legislation*

The most striking development affecting parties in the last half century has been the increasing degree to which their activities have become subject to regulation by law. The printing of ballots, the canvassing of votes, the regulation of time and procedure of caucuses, primaries and conventions, even the choice of their own committees, have been more and more taken from the parties and put under public supervision and control. Legislation naturally adapted itself to the units which had been found most useful in the former extra legal organization of the parties. Most important of these was the county, indeed to trace the extent to which the county has been made the basis of the legal organization of the party would be, to a large extent, to trace the extent to which the law has been applied to the formal party structure. No two states are in exactly the same class.

Some, like Alabama, still allow parties only slightly less independence than formerly. Others regulate almost every detail of their structure.

The political duties placed on the county show a similar divergence. Alabama practically contents herself with requiring the county to bear the expense of printing the ballots and regulating the counting of votes. In states where regulation of political activity is popular, a large proportion of party activities are regulated on the county basis or are performed through county officers. An enumeration of the more important duties shows the wide extent to which some of the states have gone in making the county the basis of political administration. In Wisconsin expense accounts under the corrupt practice law are reported to county officers, except where the electoral district is larger than a county. The primary petitions of local officers are filed with the county clerk. Petitions for nomination to higher offices must have a certain percentage of the vote cast in varying numbers of counties. The county clerks give notice of the primary elections through newspapers, by posting and by notices to local officers. Notices of elections proper are made by them. They prepare county ballots and print and distribute them. They cause instructions to voters, tally sheets and sample ballots to be furnished. To county officers is given the duty of compiling and reviewing the returns of election reported from the townships and of compiling election statistics. Detailed rules govern the election of county committees in counties of varying population. The manner of electing precinct committeemen is determined by the nature of the county. The call, sessions and procedure of the county committees are regulated by law and the membership of congressional district committees is built up from party officers chosen within the counties.

It is to be noticed that, though the county officers are thus functionaries of the first importance in the politics of the state, they act chiefly as local administrative agencies of the state to enable it to reach the smaller political units, rather than as officers who are of a distinctly "county" character. "County politics" so far as these duties are concerned is chiefly a division of state politics or a means of making local political action uniform. The legalization of the political duties of county officers has not made the county an independent political unit in which policies turn on local issues.

THE COUNTY AS THE EXTRA-LEGAL BASIS OF PARTY
ORGANIZATION

No matter to what extent the duties of parties are subject to legal restrictions, the true political life of the state must always move to a large extent independently of the law. Statutes may lay down the limitations and powers of political agents and divisions, but politics always bear a relation to the statute similar to that which actual government holds to the constitution.

Party in its actual workings may build up customs and politics independently of statute, just as it has developed institutions back of and independent of the letter and intent of our constitutional provisions. The examples of the electoral college, popular election of senators and the *de facto* requirement that representatives in congress shall live within the districts from which they are chosen show the tendency to change in the federal government the *de facto* constitution and laws, to conform to political needs. The nominating conventions held extra-legally and in express defiance of the intent of the primary laws in some states show the same tendency of the party to free itself from legal restrictions which do not fully meet the demands of party life.

The varying degrees to which the party uses the county as a unit in its organization are explained by this natural adaptation of means to ends. In no two states does the county stand in exactly the same relation to the general party organization of the commonwealth. Nor is the extent to which the county is an element in "politics" in the narrower sense uniform throughout the same state. A New York county in which population is concentrated, where the control of office involves great social and economic interests, may play a part in the state's political life of the first importance. A rural county on the other hand may be controlled by a much simpler organization; the interest in its political offices may be largely determined by the honor and salaries that attach to a few comparatively unimportant positions. Evidently the political life of a Texas county in the staked plains can bear no comparison to the complex functions of the political organization in New York county or Cook county. In other words a county or several counties may have a controlling influence in a state, but the county has no uniform political importance.

1. *Political Importance of the County*

In a rough way the importance of the county in state politics varies in the three divisions—New England, Middle and Western states, and the South, but there are individual cases and individual campaigns in which the grouping is by no means exact.

Whatever changes in the position of the town meeting have occurred in New England, none of them has worked for the marked increase of the power of the county. County officers attract little attention; they are in a peculiar way out of politics. The "county ring" of the middle west is known in New England only by report.¹ Those in office, skilled in carrying out the duties the law has assigned, are not interested in attracting public attention to their positions. Long terms for county officers are frequent in New England; county officials are timid before suggestions of radical change and do not court political contests. These conditions, coupled with the strength of the town government system, have made the New England county little more than a formal division of government.

The central and western states use the county to a greater extent, both in government and politics. In the states of the old Northwest Territory and in Pennsylvania, the relations of county and town in politics are almost the opposite of those in New England.

One of the states in which the county organization has developed greatest strength is Pennsylvania. This was true long before the Civil War, but it has been developed to the greatest degree by the republican party. Many of the counties have developed detailed party rules which cover as much space as a fair-sized state constitution. In Lancaster county a portion of the rules now enforced has remained unchanged since 1868. The county, in fact, is the center up to which the party organization in the local units is built and from which the state organization in turn rises. The state committee is chosen from districts which are based on counties. Each county has at least one representative. Legislative districts are counties or parts of counties. The party organization is centralized in the county and state conventions and the state and county committees. They raise the money for the campaign and in their hands is its active

¹The "county ring" exists and is often strongly intrenched, but it is removed from popular interest and not a controlling force in politics. See "The City and County in Massachusetts." O. C. Hormell, *Proceedings of the Amer. Pol. Science Assn.*, 1911.

prosecution. Nowhere in the United States are county organizations more powerful and effective.

The third group, the Southern States, is one in which the county has always been the chief agency of local government. We might there expect it to be the all powerful agent in state politics. But it is not so. The South has never been so well organized for political purposes as has the North. For the last generation the one party system has reduced the control of state patronage and policy to a struggle between factions of the same party. A second consequence of the absence of normal party life has been the backwardness in taking legal control of the party. Under these conditions personal politics rather than party politics are the characteristic of political struggles and the county does not afford an agency of control easily seized upon by the candidates. So far as officers selected within the county are concerned the unit furnishes disputable ground but there are no true party divisions above the county and the local offices alone never furnish sufficient basis for strong party organization.

In the extra legal activity of the parties, as in the case of legislation affecting them, the importance of the county, where it is important, rises not from its character as a county, but from the peculiar local circumstances. Especially in counties which contain large cities the political organization may become highly important.

The importance of controlling the political machinery of great urban counties can hardly be overestimated. It is shown by the detailed organization and great legitimate expenses in a county containing such a center as Chicago or New York. In national politics the importance of controlling doubtful and pivotal states is familiar. In the states which way the election will turn often depends on the vote in the metropolis or its county, except when the issue is clearly drawn on lines of city versus country districts. The fortune of the state ticket and the political composition of the state legislature also depend upon the city vote in a few counties. Under these circumstances it is not to be wondered at that, other things being equal, the power of county party officers in the counties in which big cities lie, becomes a matter of prime importance.

2. *A Well Organized New York County*

The campaign of 1910 in New York county may be taken as an example free from the unusual influences of the national election,

and therefore showing, except as modified by the congressional elections, the extent to which the parties recognize that attention must be concentrated on carrying the counties of large population. Permanent county headquarters are maintained. The office force varies with the pressure of political affairs, as in the conduct of any other large business, but there must always be plenty of help to do the legitimate party work. In 1910 this item alone cost the republican party in New York county \$14,000, including rent, \$2,000; secretary, \$3,300; clerk hire, \$4,000; printing and stationery \$3,000; and miscellaneous, \$1,300. The campaign must be planned weeks before the election. Demands for information of the most diverse character must be met. Conferences must be held with candidates in the primaries and the party candidates in the election. Requests to congressmen must be considered. Counsel to candidates for the state legislature and lesser offices must be furnished. District leaders need assistance in managing their constituents. Monthly meetings must be planned for the subcommittees who are to do the local party work. Often party measures are drafted in the county committee headquarters. Here party policy begins to take shape long before the primaries and the election. Those seeking party support for their pet measures find the county committee an easy avenue of approach. During the summer, lists of election officers must be prepared and filed. A close watch must be kept to fill vacancies caused by deaths and removals. Two inspectors, a poll clerk and a ballot clerk must be furnished by each of the major parties. The party must see to it that the officers of election make the registration required; there are over 1,800 of these election officers in New York City as a whole. As the election approaches the county organization gives attention to getting out the full party strength in the registration of voters, for victories are often won on registration days and not at election. The registration lists must be checked up to defeat fraudulent registration. Party watchers for service at the polls must be chosen and workers to get out the electorate secured.

The campaign itself must be planned. Halls must be secured for political rallies and conventions. Of the latter there are over eighty in New York county alone. Speakers must be hired, for a modern campaign will not run by voluntary effort alone. A speakers' bureau must be maintained, "quartettes" engaged to sing campaign songs and bands to play popular airs, a "cart-tail" campaign must be

planned and campaign literature written, printed and distributed by carrier and by mail. Magazine and newspaper advertisements must be properly looked after. Automobiles must be secured to take candidates to different meeting places. Marching clubs need leaders, uniforms and red-fire torches. A machine which must perform such varied and important functions of necessity wields great power. Managing an important county headquarters is conducting a great public business, and demands first-class ability both in organizing the work and in its administration.

The County Organization as a Collecting and Distributing Agency

The extent to which the funds for the campaign are collected and distributed through the county committees, like the work performed by them, varies from state to state, from county to county and from campaign to campaign. In a county with a few hundred inhabitants both these functions are of course negligible. In states where the county organization is a prominent factor in carrying on party work, it is natural that this work should be done to a greater extent through the county committee. But there is no set rule. The county committee may be one of the collecting and distributing agencies, it is not the only one. In New York county, for example, with its strong party organizations, the smaller units, the assembly districts and wards, have their own independent collecting agencies and expenses. Some assembly districts, for example, bear all their own expenses. Others are helped by the state committee and even by the national committees, in national elections. Even where county organization is strong, however, the tendency is for the county committee to rely on contributions from the state central committees for a large proportion of the funds needed. Modern methods of managing the finances of campaigns encourage this dependence by centralizing the money-collecting in a few hands.

The disbursement of party funds, however, is more often carried on through the agency of local party organizations. In Wisconsin, for example, only an inconsiderable amount of money is reported as collected through county party officers, though over fifty per cent of the disbursements are made through "candidates and county committees."

In the extra legal activities of the party, therefore, the county

as such is a fluctuating factor. Its importance varies with the time of the elections studied, with the section of the county considered, with the state, and according to the importance and number of the offices created within the county. It varies within each state with the character of the electorate, as in urban and rural counties, and it is not necessarily uniform in the various campaigns. The use to which party puts the county is opportunist. If local conditions make it the most available tool, the county is an important political factor. If historical or local influences make some other basis one by which the electorate can be more easily reached, the county becomes a political pawn.

The Perversion of the County Ticket

Especially in sections of the state in which large cities are found, the county is an increasingly obstructive and unnecessary rider upon the municipal government. In such cases the county may have its political importance destroyed by the abolition of its functions. Where this is not possible it may become a serious hindrance to normal politics, because of the unwieldy character of its ticket which destroys responsibility to the electorate. The example of Chicago is a case in point. Few would argue that the functions performed by Cook county could not better be performed by municipal authorities. No doubt the county would already have been abolished, or its functions greatly modified, but for the fact that it is established by the Illinois constitution which is extremely difficult to amend. New York City suffers from a similar handicap and the legislature of the state has already gone almost as far as possible under the constitution in merging the four county governments into the metropolis. Since 1876 the city of St. Louis has been a political subdivision of Missouri entirely distinct from the county of St. Louis. In San Francisco county and city functions are consolidated.

But in the country at large few modifications in the position of the county have been introduced. A long list of elective officers is still found on the typical county ballot. The result is that, whenever the party finds the county the available basis of organization, these offices become highly prized party spoils. The county officers may thus become the stronghold of a strong party ring whose posi-

tion is secure because county functions do not command public attention. But even if this does not occur, the county officers blur the issue of the election and make difficult any intelligent choice by the electorate. No circumstance connected with the use of the county in politics contributes more to destroy normal action and true party responsibility.

The example of the county in which Chicago lies is, fortunately, not typical, but one which shows the disadvantages which, in a lesser degree, tend to make the county elsewhere an unfortunate influence in politics. At the head of the government of Cook county are fifteen commissioners, elected biennially, all at the same time, in two divisions, ten from the city, five from the county. There are eight executive officers chosen for four years. The state's-attorney, coroner, recorder of deeds and surveyor are chosen in the years of the national elections; the sheriff, treasurer, clerk and superintendent of schools are chosen in the intervening even years. Two tax boards are chosen for six-year terms, a board of assessors of five members and a board of review of three. Other officers elected by popular vote are: a county judge, a probate judge, a clerk of probate court, and a clerk of criminal court in the even years between presidential elections. A superior court clerk and a circuit court clerk are chosen in presidential years. All are chosen at the November elections when the ballot is already occupied by the state and national tickets. As a result the choice of county officers is made from a ticket containing candidates for over eighty officers; or sixty in the years when there are no national elections. The total number of names on the ballot approaches four hundred.

In the county election held in Harrisburg, Pa., on November 7, 1911, besides twenty-three city officers, the people voted on the following county ticket: a district attorney, a recorder of deeds, a register of wills, a sheriff, two county commissioners, a county treasurer, two directors of the poor, a coroner, two county auditors, an inspector of mines and a county surveyor. These examples illustrate a general condition. Nowhere in our elections are the principles justifying a short ballot more flagrantly violated than in the choice of county officers.²

²In California an amendment allowing counties to appoint all county officers except the board of supervisors was adopted in 1911. Los Angeles voted to come under the provisions of the amendment in September, 1912.

The County Not a True Political Unit

These conditions have not always been characteristic of our local elections. Our early history in many states found the county hardly a factor in politics, and probably politics has never normally run along county lines. The county is not an important policy-determining agency; in fact, in the average election it has no policies except such as are reflected into it by the larger or smaller civil units. There may be a national policy, or a state policy, or even a city policy, which the voter sees and to which he seeks to give expression by his ballot, but county policy is something with which the average voter is unfamiliar, because it so seldom exists. Even the county board, which is the policy-determining body, is one whose doings are unknown to the electorate and which too often hardly knows itself.

We have attempted to make the county a political division, though its functions are chiefly administrative. In some states its non-political character was once recognized. Communication then was slow, counties were not numerous, their officers were few and powerful and were largely appointed by the state government. They were useful agents for carrying out state laws. But in the enthusiasm for local self-government, the number of counties increased, the number of officers rose, and, under the plea of popular control, their choice was given to the electorate. The result is a confusion of political with administrative positions in which the "superior officer" of those in county offices is the distant and indulgent body of voters in the county. A review of the functions usually performed by county officers shows to what degree the duties are administrative, not political, and therefore duties in which experience and proficiency, not party service, should determine the choice.

1. Levying taxes and spending their proceeds are the only functions in which *policy* is a constant element. The officers who have these functions under control should be a single body elected by the people and few in number so that responsibility may be centralized.

2. Other functions are chiefly administrative; most of them indeed are branches of state rather than of local government.

- (a) The county performs judicial functions. Its officers enforce most of the laws made by the state legislature. If the people of a locality are opposed to the enforcement of an act they can elect a

judge, a sheriff, or a prosecuting officer pledged to temper its rigors. If the terms of the officers are short, their subservience to local sentiment is accentuated. Every temptation is placed before the officials to set their course by the political compass. In other words, officers intended to be free from politics are forced into its service. They were intended to carry out policies which the legislature dictated; they tend to become agents who determine how far the policies for which the lawmakers declared shall be enforced. For large classes of laws this results in "local option" of the most pernicious sort. The failure of state-wide liquor legislation in many of our states is an eloquent illustration of the results of putting into political control offices which should be administrative.

(b) The county clerk has administrative functions in elections, taxation, distribution of state funds and the like, all of which are essentially state functions.

(c) The county auditor protects the public funds. Whether he should be a state or a local officer is a question, but there is certainly no reason why he should be a democrat during a democratic administration and a republican when the republicans are in power. A similar criticism applies to the surveyor, and to the coroner, if indeed the latter office should be maintained at all. Supervision of education, road building, mining and the various other activities in some states placed in the hands of county officers fall under the same comment. These officers may be selected locally or by some state agency, but there is no reason why they should be political offices; for, in all but exceptional cases, these positions involve duties, not policies, and duties are determined by statute, not by local party decisions.

The County in Politics

The review of the position of the county demonstrates that, as a true political factor, it has no definite position. It has been practically discarded as the political basis for districting the elections. It is used in legislation for the control of elections and as a division for the execution of the laws. But this is a position in which any other unit of convenient size would serve the purpose as well. In fact, many states use the county for this purpose only, in connection with a number of other divisions. The parties themselves, in a large part of the country, group their organization around the county as a

basis, and in many instances the county thus becomes a factor of the first importance in political control. But this is explained by history, local circumstances and convenience, rather than by any peculiar fitness the county as a county has for performing political functions. Both where parties make the counties the basis of their political organization and where they do not, the long list of elective county officers is one of the chief factors in confusing the ballot. The movement to remedy this abuse can as yet hardly be said to be under way. The plan of abolishing county government or restricting it to the minimum allowable under the constitutions, which has been adopted in a few counties containing large cities, is evidently not available as a general solution. The movement to simplify the position of the county in politics by cutting down the number of its elective offices has found expression in law only in California.

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THE MERIT SYSTEM AND THE COUNTY CIVIL SERVICE

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Although the application of the merit system in appointments to the public service has been made a part of the administrative laws of six states and over two hundred cities in the United States, its adoption for the services of counties has been slow and halting. Civil service laws are to-day in operation in seventeen counties in New York, four counties in New Jersey, one in Colorado, one in California and one in Illinois. A state-wide civil service bill is now before the legislature in Ohio, as the result of the adoption of an amendment to the Ohio constitution last September, placing the service of the state, its cities and counties, on the merit basis, and this bill applies to the county service. Its enforcement is to be under the jurisdiction of the state civil service commission. These cover, however, all the counties under civil service laws anywhere in the country. Even in states like Massachusetts, Illinois, Wisconsin and Colorado, where state-wide civil service laws are in operation, the services of the counties, with the exception of two counties only, are still filled on the basis of the spoils system.

The result has been that the management of county charitable institutions, the important and difficult work in county legal offices and the administration of county public works, all calling for trained expert services, are commonly conducted by political appointees, chosen because of their political beliefs and activities and but poorly qualified to do their work. County jails, workhouses and other correctional and charitable institutions are badly kept and mismanaged, and the wards of the community are ill treated or not treated at all. The clerical service in county offices is frequently inefficient, the business of the county clerk's and county register's offices is poorly conducted, and records are kept at the best in a haphazard, accidental fashion which is expensive alike to the county and to the individual citizen in his business affairs. Meanwhile the service of the county is the property of the political party which happens to be in power and supports a small army of political hangers-

on who form the nucleus of the political spoils machine. In the service of a great and important administrative division of the state, in other words, the evils of the spoils system are allowed to continue unabated.

It is difficult to find any good reason for this neglect of the sound principles of the merit system in the counties of the state. It has been due either to active political opposition against the abolition of spoils, or to the notion that the county civil service is relatively unimportant and not worth the trouble or expense incidental to a properly devised and effectively administered merit system. This notion, however, is a mistaken one.

The merit system is a businesslike method of appointments to public office designed, first, to prevent the public service from being used as the basis of a political machine and, second, to provide the necessary machinery for the choice, through examinations, which, so far as practicable, shall be competitive, of properly qualified persons to fill public office. It is a reform absolutely essential, if efficiency, economy and businesslike administration are to be expected in public work. Without it, unless our political habits of mind are to be radically changed, it is hopeless to expect that the wastefulness, inefficiency and scandal in national or local administration, the inevitable accompaniments of the spoils system, will be eradicated.

No change in the form of county government, badly as it may be needed, can be counted on alone to effect this reform. Unless the establishment of the merit system be made a matter of law, abuse of the power of appointment to pay political debts and purchase political support is sure sooner or later to develop. Concentration of responsibility in the hands of a small board, for example, even with provision for such a check as the recall, will fail, because it is not administrative detail in which the people are interested. As was stated in the article on civil service provisions in commission charters by Mr. Elliot H. Goodwin in the November, 1911, issue of *THE ANNALS*, "the belief that the people can or will hold administrative officers responsible for the manner in which they fill subordinate positions is a denial of actual experience to the contrary. Under any form of government the appointments to subordinate positions are matters of administrative detail of which the people are commonly ignorant and to which they cannot in the nature of things give careful attention. If, however, the principle that merit and fitness alone

shall rule in all appointments and promotions is embodied in the governing law of the community, any violation of the law or the spirit of that law raises an issue which is clear and concrete. This makes possible the holding of the offender responsible therefor at the polls."

If the desirability of removing the services of our counties from politics be granted, the only problem to be considered is that of the most efficient and at the same time most economical method of civil service administration. Certain principles of civil service administration must first be recognized if the enforcement of the civil service law is not to be set at naught. First among these principles is that the civil service commission must be removed from the control by the executive officers whom the civil service law is intended to check in the exercise of their power of appointment. Whatever may be the appointive power, the most effective checks against this control are provisions that the commissioners shall be appointed for overlapping terms of considerable length and shall not be removed except for reasons given in writing and after an opportunity to be heard publicly in their own defense (without, however, any right of appeal to the courts), and that the drafting of the rules to put the civil service law in effect shall not be subject to the veto of the appointing power. By providing for overlapping terms extending over the term of the appointing authority it will not be possible for any executive completely to reorganize the commission at the beginning of his term by making a clean sweep, and the public at the same time will be given the benefit of the services of commissioners who have had experience in the administration of the law. Provision for removal only after a hearing upon stated charges prevents the summary discharge of an efficient commissioner for political reasons. A civil service law cannot contain all of the details for its effective administration. It should contain the broad principles and should embody all provisions essential to its proper enforcement. Rules covering the details should be drafted by the experts appointed for that purpose, that is, the commission. Approval by the chief executive at once puts the enforcement of the law at the mercy of a hostile governor, mayor or county board.

In any properly devised system of civil service administration these principles must be observed. The specific problem in connection with the civil service of counties is solely the question of

whether the law shall be administered by a local board or by a commission having state-wide jurisdiction. Experience has shown that, even in the case of the municipal service, state control, as in Massachusetts and in New Jersey, or state supervision, as in New York, is by far the preferable system. In Massachusetts the enforcement of the civil service law is mandatory on all cities and its administration is conducted by the state civil service commission. In New Jersey the civil service law is mandatory only as to the state service, but becomes effective in the civil divisions of the state, including counties and villages as well as cities, after adoption by the people at a regular election. When so adopted it is administered not by a local commission but by the state commission. In New York the civil service law of the state is based on a constitutional provision. It applies to all municipalities, but is administered in cities by local commissions subject to the supervision of the state commission. Changes in the rules, including changes in the classification in municipal services, must first receive the approval of the state commission before becoming effective, and the work of municipal commissions throughout the state is subject to investigation in all its particulars by the state board. This system of state control has removed municipal services in Massachusetts entirely from the control of local authorities, and state supervision has proved an effective check against the overthrow of the merit system by hostile mayors in the cities of New York. It is of particular advantage for the smaller cities where the service is so small as to render a well-paid commission, capable through an efficient chief examiner of holding thorough-going examinations, out of the question.

The advantages of state supervision or state control for municipalities would be and have been fully as great for county services. Of the twenty-four counties throughout the country now under civil service laws, twenty-one are under the complete control and direction of state civil service commissions. These are the four counties in New Jersey and the seventeen counties in New York. The New Jersey law has been made to apply to the services of the four largest counties in the state, namely, Essex, Hudson, Mercer and Trenton, through adoption by the people at the polls. The extension to the counties in New York has been on a different principle and the history of this extension and its results are worth giving at some length.

The Constitution of New York State—Article V, section 9—reads in part as follows:

. . . Appointments and promotions in the civil service of the state and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness, to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive. . . . Laws shall be made to provide for the enforcement of this section.

The present civil service law placing the service of the state departments on the merit system, is mandatory, as already explained, for cities, but leaves to the civil service commission the power to extend its provisions in its discretion to the service of counties and villages. Its first application to county services in New York was made in 1900, when the state civil service commission took under its jurisdiction the counties in the state having a population of 100,000 or over, namely, Richmond, Kings, Queens and New York, comprising the Greater City, and Erie county in the western end of the state. This extension had been urged on the state commission for a long time by the friends of the merit system. In its report for the year 1899 the commission, after outlining its plans for this extension, explained the reasons that led thereto as follows:

. . . The necessity of classifying the service in the counties with a population of 100,000 is so great that it cannot be overlooked. The efficiency of the enforcement of civil service rules and regulations in the cities is greatly impaired in all cases where the county service, often largely centralized in the same buildings or in the same vicinity, is unclassified and left as a matter of patronage. Consistency also requires that county offices which in their nature are similar to existing city offices shall be classified in a similar manner. We doubt not but that the bringing of this service under civil service rules and regulations will produce great benefits to the service.

The extension was made by amendment to the civil service rules on June 16, 1900. In its classification of the services of these counties the commission held that subordinates who were paid solely from fees should not be put in the competitive class, since they were "for all practical purposes the servants of their superiors rather than of the county or of the state," and since the commission had no power effectively to enforce its rules and classification which it possessed in other cases, namely, that of preventing the payment of salary by refusing to approve the payroll of those illegally appointed. This materially cut down the number of places that would otherwise have been made competitive, but the change did bring under the competitive system a total of 977 places.

The new system was tried for five years, with such success that in 1905 the rules were extended to cover the services of Albany, Monroe, Onondaga and Westchester counties. Four years later another extension was made to the services of eight additional counties. In making this last extension the commission declared that "with this extension of classification the service in seventeen counties is now under the civil service rules and it is believed that all of the counties have been classified in which the service is not at present so small or so largely organized under the fee system as to make classification impracticable."

Besides the counties in which the entire service has been classified, the New York commission has, by its rules, provided that county superintendents of highways and county sealers of weights and measures in all other counties as well shall be in the competitive class. This opens the way to extending the competitive system to particular offices in all counties of the state where competition would prove beneficial, even though the entire services of all the counties be not classified.

From the beginning of this extension of the rules the commission has had to meet constant opposition to competitive classification from county officials. Requests for exemptions have commonly been based on the shop-worn plea of "confidential relations" between department heads and the subordinates involved. Many of these requests for exemption have been denied, but there are nevertheless a considerable number of positions which the commission has exempted from competitive examination and which should be so filled. The merit system in New York counties, furthermore, met with a serious setback in 1908 in a decision of the court of appeals in the case of *Flaherty vs. Milliken* reversing both the lower courts and holding that a large number of employees in the office of the sheriff in Kings county were his personal agents, since they had to do with the civil business of his office, and should, therefore, be exempt. The court in its opinion said: "The relation between a sheriff and his appointees . . . is not merely that the sheriff is liable for the default of his appointee, but that the appointee for such default is liable to the sheriff and to no one else." The positions involved in this case were those of assistant deputy sheriffs, jail keepers and matrons, and as a result of the decision a large number of places in the offices of the sheriffs are now exempt. Commenting on this case

in its report for the year 1908, the New York State commission gave an authoritative statement of the political uses to which these exempt places are put. It said:

The practical operation of the rule of personal agency is, in large measure, to open the door to appointment for political purposes of persons in whom no real trust is reposed. These offices are in practice found to be a haven for political spoilsmen, demoralizing in its influence on the general operation of the merit system and prejudicial to the honest and efficient administration of the jails. The law should be amended to bring the employees of the sheriff into the civil service, stop the notorious use of these places as political spoils, and secure the transaction of this branch of the public business by competent persons, free from the obligation or temptation to respond to improper influences in the use of legal process and in the care of prisoners.

Within the last month, however, the New Jersey Court of Errors and Appeals in a case involving the classification of the warden in the Hudson county jail handed down a decision precisely the opposite of that in the New York case. The argument that the subordinates of the sheriff were his personal employees the New Jersey court held

is unsound. . . . As soon as the sheriff selects and employs assistants they become the servants of that municipality for whom the sheriff is acting, as the agent, and they become amenable for their official misconduct, in the performance of the public duties devolved upon them in their respective positions, to the public. In concise terms they are minor public officials acting under the supervision of an official of a higher rank or grade.

In conclusion the court said:

It must be borne in mind that the object of the legislature was to secure by means of the civil service law efficient public service in the state institutions and in the governmental departments of this state. . . . This efficient service to which the public is entitled cannot be well subserved by a change in the persons who are appointed and employed by the sheriff to take care of the jail every time a new sheriff is elected, since he can hold his office for no longer period than three years and is ineligible to a re-election to succeed himself. It is a self-demonstrative proposition that the warden of a jail during the three years of his incumbency of that office acquires by experience valuable knowledge and efficiency in their discharge. He is more valuable in the public service than one who has not had that experience. There is nothing in the civil service law which prevents the discharge of an employee who may be found guilty of incompetency or official misconduct upon charges made and after a hearing. The general design of the act was to put such positions beyond political control, partisanship and personal favoritism, in order to secure to the state and county the best public service.

The New York and New Jersey system of civil service administration for counties has proved itself highly satisfactory and beneficial. Denver county, Col., Cook county, Ill., and San Francisco county, Cal., are the only other counties subject to civil service laws. The system in Denver county, established a short time ago by charter amendment reorganizing the city and county government, is not yet under way. The service of San Francisco county has been under the merit system for only a few months. Several years ago provision was made in the charter of the city of San Francisco for appointments to the service of the county as well as of the city through competitive examinations conducted by the city civil service commission. This charter provision was declared unconstitutional, but in October, 1911, a constitutional amendment was adopted to meet this difficulty. In December, 1912, a charter amendment was accordingly approved by the people and the civil service provisions of the charter, improved in certain respects and administered by the city commission, were extended to the county service. The system has been in operation for too short a time to permit of any conclusion as to its effectiveness. Provision is made in the amended civil service section of the charter for the appointment of commissioners for overlapping terms, and a check is thus established against the complete control of the local commission by the county board, which has the power of appointment. There is, however, the danger that the policy of the commission will be affected by local political conditions.

In Cook county, Ill., part of the service at least has been under the merit system since 1895. The Cook county civil service law passed in that year applied only to positions under the ministerial jurisdiction of the county board, or about one-third of the 3,000 county employees. It was administered by a county civil service commission separate from both the state civil service commission and the civil service commission of the city of Chicago, which is practically identical with Cook county. In 1911 the law was radically amended and improved, retaining, however, the local independent commission. Within the last few weeks the amended law was declared unconstitutional on a technicality in its passage through the legislature and the old law is now in force. Events of the last two or three years in Cook county are of value, however, as illustrating the danger of an independent local commission.

The democratic landslide of 1910 brought into office, among others, the Hon. Peter Bartzen as president of the Cook county board. Mr. Bartzen had been at one time highways commissioner in the city of Chicago under Mayor Harrison, and in that office had displayed many eccentricities and open hostility to the city civil service law. The democratic platform on which he was elected to the Cook county board in 1910 pledged the party candidates to civil service reform. This pledge, however, was apparently for advertising purposes only, and a secret pledge, which came to light after election, said to have been signed by all the Democratic candidates, pledged these candidates on their word of honor to place at the disposal of the Democratic County Committee all of the patronage of their respective offices. The county civil service commission was immediately reorganized and Mr. Bartzen at once began to make removals from the service. His first act was to discharge all probationers; others were forced to resign under threat, and still others were discharged for offenses alleged to have occurred several years before. Many positions were abolished and recreated under new titles, to which new incumbents were appointed, and the net result was that, in a short time, one-fifth of the 1,000 employees were removed from the service. The service, furthermore, was packed with political hacks, and many appointments were made without any reference or notice to the civil service commission and often in the face of existing eligible lists. When the president of the civil service commission, some weeks later, refused to certify to the pay-rolls of these illegal appointees he was discharged for incompetence and neglect of duty.

Meantime the Civil Service Reform Associations of Chicago and Illinois had secured the introduction in the legislature of a number of civil service bills applying to the state service, the service of the city of Chicago and to Cook county. The campaign for this new legislation began in the fall of 1910, when candidates for the legislature, and for Cook county offices were placed on record, through pledges, as for or against comprehensive civil service legislation. The people, by a majority of nearly 300,000 votes, advised the legislature that they favored the passage of this new legislation. The largest majority for the amendments was in Cook county, which was the only county affected by the changes in any of the laws. The legislature accordingly at its session in 1911 passed a bill amend-

ing in a sweeping fashion the Cook county law. This was the new county law referred to above which was recently declared unconstitutional.

In spite of the passage of this legislation and of the significant popular vote in favor of the merit system in 1910, Mr. Bartzen continued to jockey with the civil service and kept up his attempts at intimidation of the civil service commission. In the fall of 1912 he was a candidate to succeed himself. The result of that election was peculiarly significant. His opponent was Mr. Alexander A. McCormick, a member of the Chicago Civil Service Reform Association. The main issue was Mr. Bartzen's notorious record as a spoilsman as contrasted with Mr. McCormick's record as a civil service reformer. The result was a crushing defeat for Mr. Bartzen, who was the only democrat on the ticket to fail of election. When Mr. McCormick became president of the board, the civil service commission was reorganized and took up the work of classifying the service on the basis of duties, standardization of employment, etc., which the Bartzen board had failed to touch. Mr. McCormick, however, has recently had difficulty with the commission, resulting only a few weeks ago in the removal of two of the commissioners. The removed commissioners are contesting their removal in the courts and in the meantime insist on regarding themselves as the only duly authorized commission.

Actual experience with the system of appointments on the basis of merit in the county services has fully demonstrated the entire practicability of placing the service of counties under the competitive system. With the improvement in methods of examinations which has been such a marked feature of civil service development in the last few years, it is now possible to fill even the higher positions in county offices through civil service examinations. This is particularly true of legal positions or positions which involve legal matters. It has been peculiarly difficult to bring the public to believe that a civil service examination could be devised which would properly and adequately test qualifications for such positions as that of a law clerk or legal officer in a public department. Because, too, of some of the peculiar features of county government, particularly in the prosecuting attorney's office and in the office of sheriff, the argument that the head of the department should have complete power of appointment because his employees were in confidential relations with

him has been stretched unduly in county services. It has been repeatedly demonstrated, however, that legal positions, even of a high grade, can be filled through a practical competitive examination. This is done in the office of the corporation counsel in New York City, where assistant corporation counsel, receiving \$3,000 or less, and all the junior assistant corporation counsel, are in the competitive class, and in the office of the attorney-general of the State of New York, where all but one or two of his deputies are now competitive employees. The public is coming to appreciate the fact that, for a great many of the exempt positions in the state service, the department head actually exercises less personal discretion in the matter of appointment than he would if his employees were chosen from eligible lists established by the civil service commission. His will and wish are altogether too often circumscribed and hampered by the will and the wish and the orders of the political boss or leader to whom he owes his office. Demonstration in practice of not only the propriety, but the necessity of taking county employments out of politics and placing them on the merit system should remove all doubt as to the proper method of employment for the conduct of county business. If the system can be administered by a central civil service board, as it is in New York and in New Jersey and soon will be in Ohio, the problem of providing the machinery of this system of appointment for counties is easily and effectively solved.

THE CORONER'S OFFICE

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The word coroner is derived from the Latin *coronarius*, which is perhaps more literally translated crowner. Such was, in fact, the older English name of the officer from whose duties have been developed those of the modern coroner. The crowner of old was the personal representative of the crown and his chief original duty was to look after the local interests of the crown. It does not seem unfair to assume that it was a very short step from the conservation of property already the crown's to the confiscation of effects of value found upon unidentified dead, and that gradually the main duty of the coroner came to be the inquiring into the mode of death of those violently slain. Most of our American law is derived from English law and precedent, and, in taking over the coronarial office, most of the states of the Union have made little alteration in the main duties of the office; such changes as have been made have consisted largely in the addition of extraneous and unrelated duties. All this has served to make the coroner of to-day, in most states, an officer with most poorly defined and often conflicting duties. Perhaps this fault depends upon the fact that Anglo-Saxon law was, and is, primarily rural law. Rural law did not originally contemplate the aggregation of people into cities and has not always been able to adjust itself satisfactorily to the complicated and new conditions brought about by such aggregations. The modern coroner, in sparsely populated rural counties, might well continue in his present indefinite state without doing any very great amount of harm. But in more densely populated counties and in cities the main duties of the coroner are of great importance.

Except in those few states where the laws have been so radically altered as to do away with the coroner's office entirely—a distinct departure from Anglo-Saxon precedent—the duties of the office are generally performed under loose statutory provisions. Indefinite basic legislation must of necessity lead to inadequate performance

of the duties *supposed* to belong to any office. This fact has led to investigations of the coroner's office from time to time by civic associations and by medical and legal organizations; upon the part of the latter because of the nature of the duties of the office, and upon the part of civic associations because of inefficient administration. During the past year the Municipal Association, now the Civic League, of Cleveland, began a series of investigations into the efficiency of administration of the various local county offices. The coroner's office was the second selected for examination. The primary inquiry into this office soon brought to light that, whatever poor administration the local office might show, questions were involved that were broader than mere local and individual efficiency or inefficiency, and that the state laws under which the office operates appeared to be at fault. In order that a more thorough investigation into underlying faults might be made, a committee of four physicians and four attorneys, with the writer as chairman, was named. A detailed study was made, (1) of the Ohio statutory provisions relating to the coroner, (2) of the conduct of the office throughout the state, and (3) of the laws relating to the office in other states. Since this study showed that local faults are common to practically all states whose laws provide for the maintenance of the coroner's office, this paper is based largely upon the work and the findings of that committee.

In Ohio, as elsewhere, the chief duties of the coroner, as laid down by statute, relate to activities in cases of death supposed to be due to violence. His function in such cases is to determine, first, whether or not death has been due to violence, and usually violence is defined as unlawful means which call for punishment, secondly, from his inquiry and from his questioning of witnesses he must attempt to fix the responsibility for the crime and to name the perpetrator, and must take such steps as will aid in the apprehension of the suspect. Such are the essential duties of the coroner in practically all states. The importance of, and the training required for, their proper performance will be discussed later. Such difficulties as occur in the administration of the coroner's duties are due, in part, to an improper understanding of the qualifications required, leading often to slipshod and useless, and sometimes actually harmful, investigations of murder cases; in part, to statutory indefiniteness, so that the coroner often acts in cases in which he has no jurisdiction,

which leads to uneconomical administration; and, in part, to the addition by legislative action of anomalous duties which have no relation to the coroner's chief function. As somewhat ridiculous examples of the latter we may cite two provisions of the Ohio statutes. One requires that the coroner shall assist in the endeavor to arrest convicts escaping from the penitentiary; and another makes it his duty to arrest persons selling liquor contrary to law within two miles of the place where an agricultural fair is being held. It is the provisions, handed down from the older English law without revision to meet more modern conditions, all proper enough when the coroner was a sort of assistant sheriff in rural communities, that have brought the office of coroner into disrepute. In general, we must conclude that the coroner's office is an anachronism and that it does not fit in well with the complexities of modern urban civilization. In every state where this has not already been done, there should be such a revision of the statutes as would make the coroner's chief duty the investigation of suspicious deaths and as would place such investigation in the hands of properly qualified officers.

Since in most states the laws provide that the main function of the coroner shall be his investigation into violent deaths, and since this should be his sole function, it is well to go into this matter somewhat more in detail. Theoretically, the coroner should offer invaluable aid in cases of murder. In so far as he must determine that death in any given case has been caused by criminal means, his duties are medical. In the questioning of witnesses, either alone or before a jury, his duties are of a legal or judicial character. It is demanding rather much that a single individual should be able to perform a medicolegal autopsy and to give valuable testimony in a criminal prosecution, and that he, at the same time, should have legal training sufficient to conduct an inquiry which would aid in the detection of the criminal. And, as a matter of fact, the individual who attempts to combine these highly specialized functions, when he acts as coroner, usually is inadequately trained in both. The Ohio statutes require no personal qualifications of the coroner and demand only that he shall not be a practicing attorney. In Ohio the coroner is by custom usually a practicing physician. In many counties of Indiana he is an undertaker. What he may be in other states is a matter of small moment, so long as he certainly cannot be expert both in medical and legal matters. Because of inadequate personal training,

the medical duties of the coroner are usually inefficiently performed. Upon this point the conclusion reached in the local investigation was that "the autopsies performed by the coroner. . . are valueless, both in determining the cause of death for vital statistical purposes and as a basis for evidence in prosecutions for criminal offenses." Furthermore, because of improper legal training, the coroner is not able to bring out important points; often the prosecution is hampered because the coroner's inquest permits the "covering up" of witnesses proved important or because the testimony brought out aids the suspected criminal in escaping punishment. The actual prosecution of criminals rests in the hands of the prosecuting attorney or the commonwealth attorney. The coroner should be the latter's chief aid. As a matter of fact, the coroner usually works alone, in a blind and untrained fashion. If the office of coroner is to be retained, there should at least be statutory provisions which would make mandatory the closest cooperation with the prosecutor.

However, since the prosecution of criminals is the duty of the prosecutor, upon whom all of the responsibility of the conduct of the case for the state must rest, and since the duties now devolving upon the coroner are of such a highly technical nature that their adequate performance by any single individual appears out of the question, it would seem preferable that some plan, other than that in vogue in most states, be devised for taking care of the coroner's duties. The present legal duties of the coroner should be performed by one conversant with the law. The creation of a new office for this purpose would not be necessary, since the responsibility for the building up of a strong case for the state in criminal trials already rests upon the prosecutor. Because he is the responsible officer in criminal actions and because of his legal training, the inquiry into the causes and the circumstances surrounding supposedly violent deaths should be conducted by him. And it should be conducted in such a way as to render every possible aid to the state in a future prosecution. With this object in view witnesses should be kept segregated and those whose testimony is of importance should be placed under bond for future appearance. Interference with the rights of one who may later be called upon to defend himself in a criminal action could not be urged against this plan, since it is virtually the method of procedure in grand jury inquiries.

The holding of inquests by the prosecutor in cases where death

is supposed to be due to violence would leave remaining of the really essential duties now performed by the coroner only the medical investigations. The purpose of any postmortem examination is the determination of the cause of death. Even when there is no suspicion of criminality involved, the proper performance of an autopsy requires some knowledge of normal and morbid anatomy and such technical experience as will prevent the destruction, through faulty technique, of evidence offered by the body. In the medicolegal autopsy upon the bodies of those supposedly dead of criminal violence, more is necessary than the mere finding of a gunshot wound or a stab wound as a probable cause of death. It is necessary to exclude as a probable or possible cause of death lesions other than those evidently due to violence. Furthermore, the results of the medicolegal postmortem examination must be recorded in such a way that the record may form the basis of competent testimony. The medical investigation of supposedly violent deaths should be by a properly qualified medical examiner. In addition, there should be provision for the calling in of such experts as may be needed. Particularly in deaths by poisoning, the help of one so expert in toxicology that his testimony will have weight is necessary. With the abolishment of the anachronistic coroner's office and with the transference of the legal duties now devolving upon the coroner to the public prosecutor and, further, with the medical investigation in the hands of trained medical experts, we would have an approach to the procedure in vogue in Germany and France. This plan is in use in Massachusetts, and the law of the latter state should serve as the model of the kind of intelligent legislation needed.

Laws putting such a scheme into effect should be clear and explicit in defining just what cases should come under the combined jurisdiction of the prosecutor and medical examiner. There is raised at once the important question whether there should be investigation of deaths other than those supposed to be due to violence, that is, deaths "caused by unlawful means such as usually call for the punishment of those who employ them." The coroner usually acts in two great groups of cases which do not come under this head; namely, deaths due to accident and deaths of persons who were unattended by a physician before and at the time of death. In some states definite provision is made for the coroner's investigation of deaths due to accidents, even to the extent of providing for the

taking of testimony of injured persons whose death appears imminent. In other states the coroner acts in such cases without definite statutory authority. Under existing conditions such investigations appear rather futile. Although the coroner may be able to place the blame for an accident and may be able to establish that a person may have been injured or killed through negligence, punishment for such negligence is not possible except in the few states which have criminal negligence laws. If there were such laws in all states, then the investigation of deaths due to accident would clearly fall under the same head as those due to violence. The mode of death could be established by the medical examiner and the blame for the accident or negligence could be fixed by the prosecutor's inquiry. Criminal prosecution could then be made with the assurance of punishment if the criminal nature of the negligence is established. Violence and negligence are very closely related and it is a rather sad commentary on modern civilization, whose growing complexity constantly tends toward an increase in the number of injuries and deaths due to negligence on the part of others than the injured or killed, that such negligence is not made criminal and punishable.

The investigation by the coroner of deaths where a physician has not been in attendance brings up the important question of the registration of vital statistics, and here again, just as in the accidental deaths, the coroner acts in many cases not definitely provided for by law. Ohio has a fairly good vital statistics law, of recent enactment, which provides that deaths of unknown cause, or when a physician has not been in attendance, are to be reported to the registrar of vital statistics, who must attempt to determine the cause of death. Only when his examination and questioning fail to reveal the cause of death is he to call in the coroner. There is no fault to find with such a method of procedure, if it is properly lived up to, and in the medical examiner plan proposed such cases might well be submitted to this officer for further investigation. Locally it was found that the number of coroner's cases is unnecessarily multiplied because physicians, police officers and undertakers report cases of the kind under discussion directly to the coroner, instead of to the registrar, as provided by law. With a proper carrying out of the vital statistics law, the procedure would be the same, whether the final investigating officer is called a coroner or a medical examiner; the latter, being supposedly more expert than the ordinary coroner, would render rather vastly more valuable service.

There is no doubt that attempts to abolish the coroner's office will meet with opposition, not only because it does away with an elective office, but also because a position of inertia in public affairs seems to be so much easier to maintain than one of progression. There can be no doubt, however, that the abolishment of the present anachronistic coroner's office and the distribution of its duties between the prosecutor and medical examiner would lead to vastly increased efficiency. The method of appointment of the medical examiner, whether by the prosecutor, the county commissioners, or some court, is a matter for solution by each state. Important for good service is the freedom of the medical examiner from political influences. That there may be in every state a few coroners who perform their duties well is not a good argument against the abolishment of the office. They are rather the exceptions which prove the rule.

In the opinion of the writer the following conclusions appear justifiable:

1. The statutes relating to the coroner's office in most states are not adapted to present-day conditions. This is especially true in cities.

2. The duties demanded of the coroner require considerable knowledge of both medical and legal matters. No single individual can be expected to be properly qualified in both subjects.

3. Because of improper medical qualifications, most coroner's autopsies are valueless, both for determining the cause of death in a scientific manner, and for furnishing the basis of expert testimony.

4. Because of inadequate legal training upon the part of the coroner, the coroner's inquest is usually not conducted to the greatest advantage of the state. In fact, it often hampers the prosecution of criminals.

5. The inquiry into the circumstances surrounding violent deaths should be by an official with legal training. Since the prosecutor or commonwealth attorney is responsible in such cases it would seem best that the inquest should be by the prosecutor's office.

6. The examination into the causes and nature of death should be by an official with proper medical training. The medical examiner would then become an important aid to the prosecutor.

7. There should be ample provision for the calling in, upon the request of the prosecutor or medical examiner, of experts.

8. In most states the investigation of the coroner into deaths due to accident or negligence leads to nothing of value. With proper criminal negligence laws the prosecutor and medical examiner would act together, in these cases, just as in deaths due to violence, for the purpose of preparing the strongest possible case in criminal actions.

9. Where there are vital statistics laws, deaths from unknown causes or deaths when a physician has not been in attendance should be reported first to the registrar of vital statistics, and not to the coroner. Only when the registrar is unable or unwilling to assign a cause of death should the medical examiner be asked to investigate; in this group of cases his examination should be made only upon the definite request of the registrar.

THE PUBLIC PROSECUTOR: HIS POWERS, TEMPTATIONS AND LIMITATIONS

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The prosecuting office is one of wide-reaching influence. It is the focal point of the administration of the criminal law. All prosecutions of major importance pass through it and are conducted by it, and upon the skill with which it conducts them depends in large measure the effectiveness of the administration of the criminal law. But efficiency in the conduct of criminal cases represents the least of its potentialities. The radius of its influence extends to every activity of municipal government. Wilful neglect of duty on the part of any public officer is a crime. Every public officer and every public office performing functions within the territorial limits over which the prosecutor's jurisdiction extends, is at all times subject to investigation by the grand jury; and, while theoretically the prosecuting officer is but the agent and official adviser of the grand jury, in practice the grand jury acts upon his initiative and does his bidding. Hence it lies within his powers, if not to ensure good government, at least to stimulate efficiency in almost every branch of the public service. The fate of political parties, the choice of candidates, the issue of elections, often depend upon his almost unhampered discretion. An investigation shrewdly instituted and effectively protracted, may create an impression of inefficiency or of corruption sufficient to discredit an administration or a candidate for office, however honest or efficient. A failure to investigate often permits the continuance of an inefficient or corrupt administration. Upon the vigor and impartiality of his activities with regard to offenses against the election laws, the result of an election is often dependent.

For the manner of the exercise of his powers, the prosecuting officer is singularly free from accountability. Rarely is there pre-

sented to him a situation in which any particular course of action is made imperative; in which it can be established that, through any particular course of action, he has failed in the performance of his duty. He is bound by law to do nothing save to conduct the cases that are brought to his attention, to advise the grand jury as to the law, and to produce for their examination such witnesses as they may desire to hear. Though corruption be rife, vice flaunting, and crime flagrant and undetected, the prosecuting officer may find justification for quiescence in the claim that the duty of detecting and repressing crime is not his, that he has subject to him neither a constabulary nor a detective force with which to enforce the laws, that he is but a law officer retained by the commonwealth to present in court such criminal cases as are brought to his office, and that he has no duty to perform until legal proof of criminality shall have been presented to him. On the other hand, there is practically no limit to the initiative he may display if he be moved to make his powers rather than his duties the measure of his activity. The public purse is practically at his command; private detectives, accountants, experts of all descriptions are at his service; the books and papers of every municipal department are open to his inspection, and every official subject to his interrogatories. He exercises the broadest discretion in determining whether, when, and how he shall act. No criminality is so clear that he cannot grant immunity from conviction if he be so minded. On the other hand, no complaint can be so flimsy as to make it impossible for him to give it currency and lend it plausibility by an investigation. And though his activities result in oppression, or his passivity enable corruption to flourish, it is rarely possible to establish that he has exceeded the bounds of his discretion or failed to measure up to the obligations of his office.

A governor who would remove a prosecuting officer for misconduct must act arbitrarily or upon the basis of suspicions, unless the prosecutor shall have been extraordinarily stupid as well as extraordinarily corrupt.

Moreover, less than most public officers, is his conduct subject to be influenced by enlightened public criticism. His is peculiarly an office as to which the public judgment is likely to be led astray, for the public has no adequate means of judging either of the honesty or of the efficiency of its prosecutor. In almost every instance the essentials to an intelligent judgment of his conduct, are a minute

knowledge of the facts and a thorough familiarity with the law; and the public, of necessity, bases its judgment upon a partial disclosure of the facts and an almost total ignorance of the law. It is prone to mistake rumor for proof, to confuse moral obliquity with criminality, and to imagine that a conviction for larceny should follow whenever its favorite newspaper prints the word "steal" in its headlines. It thirsts for sensations, and is fain to drink the blood of sacrificial offerings with its morning coffee. Its newspapers thrive by feeding to it the pabulum it craves, and the prosecutor who furnishes the sensations wins both the newspapers and the public. A refusal to yield to public clamor, often the highest proof of the highest integrity, is not infrequently construed to be evidence of dishonesty; and the yielding to clamor, often the highest proof of weakness and dishonesty, generally creates a reputation for unimpeachable integrity.

Moreover, the public judges, of necessity, by results or by so much of them as it can understand. To it the conviction of a person accused is an evidence of integrity and efficiency; a failure to convict is a miscarriage of justice, for which it holds or fails to hold the prosecutor responsible according to the degree of favor he has found in its eyes. It can know nothing of methods or their propriety. Whatever conduces to a conviction is likely to seem right in its eyes. The reversal of the conviction by an appellate court, for improprieties however grave, it is apt to attribute to the mysterious technicalities of the law and to urge as an argument for the recall of the judiciary. It can rarely be made to realize that the prosecutor's duty is not to win cases, but to further the ends of justice under the law; that he violates his duty and is false to his oath quite as flagrantly when he prosecutes a person whom he believes to be innocent of crime, even though that person be censurable in the forum of morals, as when he fails to prosecute a person whom he believes to be guilty and against whom he has sufficient evidence; that a successful prosecution may be a disgraceful prosecution.

In this there lies public danger; for from this it results that in few places is the road to popularity so easy, and that in few places is it so often at variance with the honest performance of public duty. The assurance of promotion, and the music of popular applause wait to enchant the ears of him who will but sound the keynote to which the public is ever ready to attune its chants, by attacks upon those whom it lusts to destroy; and the applause may be swelled

to deafening volume if by judicious subservience the prosecutor can conjure the newspapers to become the conductors of the choir; while political oblivion and unmeasured condemnation are but too apt to be the lot of the prosecutor of unyielding integrity, who holds it his duty to see that justice is meted out evenly to the popular and the unpopular alike. To the self-seeker, it is an office overflowing with opportunities for aggrandizement; to the honest man it is a thorny path of public usefulness, which he must walk well armed against the lure of applause and strong to endure misconstruction and abuse.

It is an office of exasperating limitations. For the detective services which are essential to his effectiveness, the prosecutor must rely, in the main, upon the police department,—which is itself only too often so corrupt and inefficient as to become an obstacle and an object of attack, rather than an ally in his campaign against crime. His most earnest efforts are subject at any time to be nullified by the stupidity or corruption of a single judicial officer. On every side he meets with senseless barriers to the effective performance of his functions, in the obsolete provisions of statutes and constitutions which convert the courts of law into an arena for the display of mental gymnastics and deny to them the realization of their true dignity as laboratories for the discovery of the truth.

Of the existence of these provisions, the layman as a rule is but vaguely cognizant; of their effect he is, as a rule, totally ignorant. To a just appreciation of the potentialities of the prosecuting office, a knowledge of these rules and a realization of their implications, are essential. Only through this knowledge and appreciation can the prevalence and comparative impunity of crime be reconciled with the apparent breadth of the prosecuting officer's powers. To a presentation of these limitations and of their results, the remainder of this paper has been devoted. The presentation has been cast into the form of concrete illustrations, because it has been thought that only through illustration, if at all, could so technical a topic be vivified.

Briefly summarized, the evils sought to be pointed out are those arising from the denial to the prosecutor of the right to appeal from the rulings of a trial judge made in the course of a criminal trial; those arising from the absurd extensions or illogical construction of the constitutional provision against self-incrimination; those arising from the illogical requirements of corroboration, in certain classes of

cases; and those arising from the constitutional restraints which make it impossible for a prosecutor to secure the evidence of witnesses who reside or betake themselves beyond the borders of the state in which the crime is prosecuted. The illustrations are pieced together from actual happenings; typical of what constantly occurs in a prosecutor's experience.

I

The legislative investigating committee had crowned its labors by tracing the bribe that had prevented legislation at the previous session to Van Burner, the president of the construction company. To fix the responsibility had been no very difficult matter, after they had induced Jefferson, the legislative agent of the company, to tell the truth. For Van Burner had grown so accustomed to bribery that he had treated the matter as an ordinary business transaction. He had given Jefferson the ten thousand dollar check wherewith to acquire funds for that purpose in the presence of the first vice-president, the treasurer and the auditor of the company, whose signatures and counter-signatures to the check were necessary, since he did not sign it himself. Indeed he had discussed the whole campaign of bribery with Jefferson, in their presence, while the treasurer was writing the check. The first vice-president, the treasurer and the auditor had all corroborated Jefferson in the testimony given before the committee. The transaction had revolted them, each had refused at first to sign the check or to have anything to do with the matter. But Van Burner, as everybody knew, was a masterful person to whom all the other officials in the company, whatever their titles, were little better than clerks, and he had laughed down their scruples, had borne down their opposition, and they had done his bidding. Shortly thereafter they had held a conference and had determined to resign from the company in a body so that they might feel free to inform the authorities and had gone to Van Burner to tell him of their determination, Van Burner had looked them over coolly, had called their attention to the fact that it was their names and not his that appeared on the check, that there was nothing but their word to connect him with the transaction and had advised them quite dispassionately to keep their tongues under control. They were glad to seize this opportunity to unburden themselves of the weight that lay on their consciences. They would testify before the grand jury or anywhere else.

The chairman of the legislative committee had come to confer with the prosecuting officer to whom he had previously sent the stenographic minutes of the evidence. "Is that all the evidence you have?" the prosecuting officer had asked him. "All we have!" the chairman of the committee exclaimed, "isn't it enough? Three reputable witnesses in addition to Jefferson all telling the same story, none of them shaken in the least by cross-examination and all testifying in a way that carried conviction to everyone in the room? Why no jury could doubt the word of any one of them. If that isn't enough I'd like to know how you ever expect to convict anyone of anything!"

"If you were familiar with the criminal law of this state," the prosecutor replied, "you would know that it forbids a conviction on the testimony of an accomplice, unless he is corroborated by other evidence tending to connect the accused with the crime.¹ Every one of these men is an accomplice in that bribery. Jefferson did the work in the open and the other three helped to provide the money for the purpose." "Pshaw," said the chairman of the committee, "I've read the statute. It says 'an accomplice,' it means what it says, 'one' accomplice. It does not mean that you can't convict on the testimony of four witnesses who tell consistent corroborating stories, which the jury believes, just because each of the four has taken some minor part in the commission of the offense." "Doesn't it?" said the prosecutor, "Go read the decisions as well as the statute and you'll find your error. The case would be thrown out of court if I had a hundred such witnesses."

This illustration may serve to throw some light upon the comparative immunity of that goal of the prosecutor's ambition, "the man higher up."

II

A committee of Johnson's creditors had called upon the prosecuting officer of New York county to demand Johnson's immediate prosecution for the wholesale fraud he had perpetrated. Five months ago Johnson had sent them written statements in which he had asserted that he was worth five hundred thousand dollars over and above his liabilities. On the basis of this statement he had obtained from them or from those whom they represented many thousands of

¹ This is the law in New York and in at least twelve or thirteen other states.

dollars in money and merchandise. A week ago Johnson's place of business had been closed by the sheriff on an execution based upon a judgment for a few thousand dollars. The sheriff had found nothing to levy upon. All Johnson's money had been drawn out of the banks, and the creditors could find nothing. They had called on Johnson at his home, and had been told by his butler that he did not care to see them. It was a clear case, and they had come to the public prosecutor for redress. They realized that the crux of the case lay in proving that Johnson's statement was false, and they had procured their attorney to furnish a brief of the evidence whereby they expected to prove that fact. The brief set out the following items:—

First. Williams, Johnson's confidential cashier, had confessed to its falsity. He had prepared the statement under Johnson's orders, and mailed it to the creditors. He had kept the books of account, and knew that, though the statement asserted a surplus of half a million dollars, Johnson was, as a matter of fact, hopelessly insolvent. More specifically, Williams had pointed out the falsity of the following definite items in the statement: (a) Merchandise in various stores throughout the United States; this had been overstated by several hundred thousand dollars; (b) Cash on deposit with Blank Brothers in Jersey City, stated at \$100,000, whereas it was in fact less than \$1,000; (c) Accounts due to Johnson—\$300,000, whereas, in fact, as the books disclosed, they amounted to less than \$50,000.

Second. He, the attorney for the creditors, had taken the following steps to verify Williams' statements: He had called upon Mr. Jones, Johnson's attorney, and had demanded an inspection of the books. This had been refused. Blank Brothers, the bankers, were friendly to Johnson and had also refused information, but he had caused a commission to issue in a civil action which he had instituted and had examined the members of the firm who were cognizant of the facts, and they had testified that Johnson's deposit had been less than \$1,000.

Third. He had sent around to the managers of Johnson's stores located in a half dozen different states; had got from them estimates of the value of the merchandise in their stores; had totaled the amount and had found that it aggregated several hundred thousand dollars less than Johnson had claimed.

Fourth. Williams had given him a list of the persons who had been indebted to Johnson; he had secured statements of their accounts

from them. It had taken some time because there were several hundred of them, and they were located in all the states in the Union. He had aggregated these amounts and they totaled less than \$50,000, as compared with the \$300,000 that Johnson had claimed.

The case was, therefore, clear in every particular. He ought to apprise the prosecutor, however, that Williams would prove an unwilling witness. He had been ready to do everything in his power to assist the creditors in a civil action, but he had asserted that under no conditions would he help prosecute his ex-employer to whom he was indebted for many kindnesses. But the prosecutor, could, of course, subpoena him before the grand jury, and compel him to testify whenever he wanted him. His address was — Main Street, Hoboken, N. J., and he was now employed in that city.

To this communication the prosecutor replies:

MY DEAR SIR:

Upon the facts stated in your brief, I am, I fear, powerless. The criminality seems clear, but I cannot get the evidence before the grand jury or the courts. Williams is in Hoboken, I cannot compel him to come here under subpoena. I cannot take his testimony under commission for use before the grand jury, because such a process would be unconstitutional. Even if I should be able to catch him some time in New York and get him before the grand jury, I could not, as you suppose, compel him to testify. Upon his own statement that he sent out the false statement, knowing that it was false, it is clear that he is technically an accomplice in Johnson's crimes, and that therefore he can refuse to testify on the ground that his testimony would tend to incriminate him. His testimony is the crux of the case; without him I cannot prove that your list of Johnson's stores, or of the persons indebted to him, is complete; and therefore I have no means of proving that Johnson's statement as to the amount of the merchandise or the amounts due him is incorrect. You know, of course, I have no means of compelling the production of Johnson's books, or of securing an examination of them, since the courts have decided that to compel him to submit his books for examination would be compelling him to be a witness against himself. It sounds absurd; but it is the law. I can proceed only if you can persuade Williams to testify. Even then I shall have difficulty. You may tell him that I will undertake not to prosecute him for his complicity in the crimes, if he comes forward voluntarily and testifies to the truth. You are at liberty to suggest to him that his confession to you proves him to be an accomplice in the crime and that it would be well for him to come forward before he is indicted. You will understand, however, that I cannot make good on the "bluff" if it should fail. For, as you know, I cannot indict on a confession alone without proof from other sources that the crime has been committed; and the same difficulties that stand in the way of indicting Johnson will prevent an indictment of Williams.

A few days later the prosecutor receives word that Williams is obdurate, but that a clerk has been found who will furnish the necessary proof as to the number and location of Johnson's stores and as to the list of his debtors; but who knows nothing of the amounts of the merchandise in those stores or the sums due from the debtors.

Again the prosecutor writes to the attorney for the creditors:

This represents progress, but our difficulties have just begun. If you could persuade Blank Brothers or one of their employees who knows the facts to testify to the condition of the bank account, that would answer the purpose. But I understand they have refused. Of course, their testimony in your civil case is of no use here. We shall, therefore, be unable to establish the falsity of this item. To make a case, you will have to get either all the debtors on the list to come on to New York to testify to the amounts of their respective indebtedness, or all the managers of the stores to come on here to testify to the value of the merchandise in the stores. I assume that the former will prove impossible since I will have to keep them here at least two weeks or require them to make two trips,—one to testify before the grand jury, a second to testify in court. To get all these managers will be expensive, but possibly you can arrange to do it. I am thoroughly at your service if you can.

A few weeks later the attorney writes: "I can secure the evidence you require from the branch managers. It will be expensive, as you say, but the creditors have decided that something must be done to stop these practices, and have determined to make an example of Johnson."

As a result the indictment is found, and Johnson is put on trial. Witnesses have been examined for a week, when suddenly it is discovered that one of the managers entered Johnson's employ two months after the statement had been made and is not competent to testify as to the merchandise on hand at that particular time. All the trouble and expense are likely to be in vain. The district attorney is on the point of abandoning the case, but the counsel for the creditors begs him to keep at it for another day to afford him a chance to supply the proof. Next morning the chairman of the creditor's committee appears before the prosecutor, followed by a half dozen porters carrying books of account. He is grinning defiantly. "Say," he says, "I've been reading some of this rubbish you call criminal law myself, and last night I made up my mind that the situation was desperate and I'd have to take a hand in the game myself. So I hired some detectives to break into Johnson's house and steal the books. You get those books in evidence the first thing this morning, and put an end to this farce."

"Do you know that you are guilty of burglary?" asked the prosecutor. "Do you think any grand jury will indict me for it?" rejoins the merchant.

The trial proceeds; the books are offered in evidence. Mr. Jones, counsel for the defendant, objects to their reception. He rages at the violation of Johnson's home. He declaims passionately at the invasion of constitutional rights. To admit the evidence, he asserts, is to countenance the practice of unreasonable search and seizure,—one of the most potent instruments of tyranny; to give the sanction of the law to such procedure is to strike at the cornerstone of liberty, and to convert the court into an accomplice of criminals. The prosecutor quotes a familiar decision of the Supreme Court of the United States. The evidence is admitted; and the jury that has known all along that Johnson was guilty, known it if from nothing else because he hadn't produced his books of account, stays in the jury room long enough to smoke a cigar and tell a few jokes just to give the appearance of decent deliberation in a case that has taken so long to try and brings in a verdict of guilty. The law has been vindicated, but only through an infraction of the law.

The illustration serves to point out some of the most striking absurdities of criminal practice; first, the irrationality of a limitation which denies the prosecutor all process for securing evidence from witnesses who chance to reside or choose to remain beyond the bounds of the state, and renders him powerless when those witnesses are essential to a prosecution; second, the inconsistency of the concept, that while a subject may be required to sacrifice his life for the defense of his country or even in pursuance of a policy of foreign aggression, he may not be compelled to assist in the campaign against the internal enemy, the criminal, by giving testimony in the courts, if thereby he shall expose himself to the slightest risk of prosecution for a criminal offense; third, the paralyzing effect of the illogical extension of the privilege against self-incrimination so as to include within its scope the production of documents; fourth, the farcical and anarchical condition of a system of procedure which, while denying orderly legal process for the extraction of incriminating documents from the possession of an accused or of any other person, yet permits a conviction by means of such documents when secured by fraud or violence.

III

The prosecuting officer is seated in his office. An old friend is striding up and down the room in agony of spirit. He has come for aid. He has just told a pitiful tale. A few days before, his seventeen-year-old daughter had been induced, by some plausible tale of urgent need, to enter a house. She had been lured to an apartment where she had been drugged and defiled. For several days she had been delirious. When she came out of her delirium, she found herself in a hospital where she had been left under a false name by a woman who had given a fictitious name and address. There he had found her after several days of despairing search. As soon as she was strong enough, he had asked her to lead him to the place of her defilement. She had found the place without hesitation; she had pointed out her defiler on the street near the house. The father's first instinct had been to kill. His better judgment had prevailed. He had summoned an officer and demanded the man's arrest. The man had laughed in his face; denied the charge; told him he must be a lunatic. The police officer had refused to arrest, and instructed him that he must get a warrant. He had come to his old friend to ask him as prosecuting officer to move at once. He wanted no favors. He hoped that his daughter would be protected as far as possible against unnecessary humiliation when she was called to testify, and that the full penalty of the law would be imposed.

The prosecutor turns to him and asks questions:—"Was there anyone with your daughter when she was lured into the house? Is there anyone who can corroborate her story?" The answer, in the negative, is given in a tone in which impatience and a sense of outrage struggle for dominance,—“Is his daughter's word to be doubted? Is this suggested need of corroboration an insult; or is it the hyper-caution of the lawyer grown cold to human sufferings and incapable of indignation? Why is there any delay of activity?"

The prosecutor answers: "Without corroboration, I can do nothing. It is not a question of believing your daughter. Neither I, nor the grand jury, nor the petit jury would doubt her word. Of course, such stories are sometimes concocted for blackmailing purposes, but it is the jury's business in all cases to distinguish between stories that are concocted and those that bear the stamp of truth, and they do it. On your daughter's unsupported word I could convict a legion of murder; but for this crime her testimony does not

suffice. It is the law.² We are not permitted to act without corroboration. Without it no magistrate would issue a warrant. The grand jury would probably indict if I would let them; but the case would inevitably be dismissed by the trial court, and your little daughter would suffer her public humiliation in vain. I'll do what I can. I'll put a detective agency on the case (in such cases the police are not to be trusted). Perhaps they may find some inmate of the brothel, or some pimp or prostitute whose evidence will suffice. If so, I'll prosecute."

A year has elapsed. The case is on trial. Unremitting efforts by a skilful detective agency had resulted in unearthing one of the confederates in the crime, who had testified before the grand jury upon a promise of immunity. The defiler had been indicted; had been "tipped off" to the indictment, and gone to another city where he had remained in hiding; when the detectives had gotten on his track he had escaped to another place. After months of diligent and relentless search, involving the expenditure of thousands of dollars, he had finally been run to earth in a city at the other end of the continent. There he had been admitted to bail pending extradition proceedings, and while out on bail had tried once more to escape. This time the detectives had anticipated him; he had been held without bail during the extradition proceedings, which he had fought through all the courts. Defeated in the fight he had been brought back to face the trial. During all these months the corroborating witness had been supported and guarded by the prosecutor,—supported, because he had no honest means of earning a livelihood; guarded, because he had been alternately bombarded with threats and solicited with bribes to induce him to retract his story. For once, however, the organized criminals were to be beaten. The prosecutor's testimony was all in; the little girl had stood the ordeal of her examination by the prosecutor, and of an insinuating cross-examination by the oleaginous counsel for the prisoner. The testimony of the corroborating witness had remained unshaken, though his character had been shown to be such as to render it valueless. In fact, the jury had neither heeded it nor desired it. One had but to watch their faces while the girl was testifying to know that they were impatient for the moment which

² This is not the law in all jurisdictions, but it is the law in New York and in some other states.

would enable them to render their verdict of guilty, to know that they would gladly have sent the prisoner to the electric chair if that had been within their power. The defendant's case had been concluded and the prosecutor was questioning a witness called in rebuttal upon some minor matter. He had asked a question which the judge had excluded. Thinking that the form and not the substance of the question had been the cause of the ruling, the prosecutor had repeated it in a modified form. Then out of a clear sky came the destructive bolt: "Didn't I tell you not to ask that question?" bellows the judge; "I'll teach you to disobey me; I'll teach you respect for the court; that's what I'll do. The defendant is acquitted. Do you hear, the defendant is acquitted. Gentlemen of the jury, I direct you to acquit the defendant."

In a daze the jury records its verdict. The case is over; and the prisoner walks out of the court room a free man, marveling at the mysteries of the law, or rejoicing in the possession of friends powerful enough to bring about such desirable results.

"But, of course," the layman responds, "this ruling will be upset on appeal, and justice, though delayed, will ultimately be done." Therein lies the purpose of this illustration. The state has no appeal from a judgment of acquittal rendered after any evidence has been submitted to a jury. An illogical interpretation of a constitutional provision forbids that it should have an appeal, and daily in the courts the ends of justice are subject to be defeated through the weakness, ignorance, or wilfulness, as well as through the inevitable mistakes of judges presiding over criminal trials.

Now for the moral. We have erected an office with great potentialities for public service, we have surrounded it with temptations and left it practically unhampered as an agency for oppression and have hedged it about with limitations which prevent it from realizing more than an insignificant measure of its potentialities for good.

That these limitations should be removed would seem to be so obvious as to make it astonishing that they have so long persisted, or that any thinking man would oppose their abolition. Yet doubtless any move to that end will still meet with opposition from sources that command respect. Twenty years ago it would have been almost universally denounced as an attempt to subvert the foundations of

government. The opponents of such reforms insist that the restrictions sought to be abolished are those which the experience of centuries have established to be essential to the preservation of liberty and to the protection of the individual against oppressive use of the prosecutor's powers. The answer is that these provisions, however useful or necessary under conditions in which an accused could be denied the right of counsel, could be bullied and terrorized by a trial judge, forbidden to testify in his own behalf and had no adequate means of securing testimony of others, have under modern conditions, become obsolete and mischievous; that they offer no effective safeguard against the abuse of discretion and the oppressive use of power by the prosecutor, since his power of oppression is confined, in the main, to that which he can do behind the closed doors of the grand jury room, where rights, however perfect, are difficult of enforcement and where reputations can be ruined by the procurement of unwarranted indictments or by the circulation of false rumors as to the evidence offered to the grand jury; that from anything that can be done in the open the innocent have little to fear and need no protection save the opportunity to bring the truth to the light before an impartial tribunal; that these restrictions, by preventing the truth from being brought to light and from prevailing, serve to foster criminality and to encourage the criminal classes; that the removal of the restrictions, by arming the prosecuting officer with the powers essential to the discovery of the truth, will go far toward raising the standard of municipal government, toward inculcating a general spirit of respect for the law and toward rendering less unequal the warfare which society is constantly compelled to wage against its internal enemies.

BOSTON'S COUNTY PROBLEMS¹

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While Boston is not a "county-ridden" city as are so many American cities, and while she is free from even a large portion of the more serious county problems² confronting other Massachusetts municipalities, still problems of considerable importance arising from Boston's relation to Suffolk county insistently demand solution in the interests of efficient government. Massachusetts has been a leader in municipal reform, yet the reforms which have been considered fundamental for city government have never been extended to Boston's administration of county affairs.

Boston's county functions fall into two classes: judicial and administrative.³ The exercise of judicial functions in Suffolk county is vested in a number of tribunals classified as courts of superior and courts of inferior jurisdiction. Of the former there are four:⁴ first, the supreme judicial court, a single judge of which holds jury terms in Boston for Suffolk county, and the full bench of which comprises the court of last resort in the state;⁵ second, the superior

¹ A portion of the material in this article appeared in a paper, "The City and County in Massachusetts," read by the writer before the American Political Science Association, 1911. See the *Proceedings of the American Political Science Association*, 1911, in Supplement to the *American Political Science Review*. VI, No. 1, pp. 61-72.

For a number of the facts in this article I am indebted to prominent business and professional men in Boston whose names for obvious reasons I am not permitted to use in citing authorities.

² Those relating to the office of county commissioners. Prior to the charter of 1909, the aldermen of Boston exercised the more important administrative functions—i. e., those relating to county finances—which are vested in county commissioners in counties other than Suffolk. By the Boston charter of 1909, these functions were vested in the city council and mayor. *Mass. Acts*, chap. 486, sec. 3.

From an early date Boston alone of the cities of Massachusetts has borne the burden and enjoyed the advantages of exercising practically all the county functions. *Mass. Acts*, 1821, chaps. 109-110.

³ Judicial functions are the more important in Massachusetts counties since the city and town are the more prominent local administrative units.

⁴ In addition there are the eleven masters in chancery, having jurisdiction over Suffolk county. They are appointed by the governor and council, paid by fees only, and have authority to issue certificates authorizing arrest on mesne process.

⁵ The full bench of the supreme judicial court sits in seven places throughout the Senate.

court, the great trial court of the state, both civil and criminal terms of which are held by one or more justices sitting in Boston; third, the court of probate and insolvency, the judges of which are appointed especially for, and have jurisdiction only within, the county; and fourth, the land court which sits regularly in Boston but has state-wide jurisdiction. The judges of the several courts,⁶ the reporter of decisions of the supreme judicial court and the recorder of the land court are appointed by the governor and council of the state. The clerk of the supreme court for Suffolk county, the clerks of the superior court for civil and criminal business, and the register of probate are elected by the voters of Suffolk county. The remaining court officers and employees are appointed by the judges of the several courts or by the sheriff.

The exceptionally high standard set by the Massachusetts judiciary is generally recognized. Her courts have stood well the tests of actual experience. Nevertheless there remain certain problems connected with the administration of justice by the courts of superior jurisdiction in Suffolk county which demand careful consideration. This fact is recognized by no one more than by the members of the bar and bench of Boston. These problems are of two kinds: first, those relating to the "delays" which hinder "speedy and effective" rendering of justice; and second, those relating to the unequal burden imposed upon the city of Boston for the maintenance of the administration of justice.

Delays in the administration of justice are more serious in Suffolk county than in the other counties of Massachusetts on account of the centralization of legal business in Boston. Being the business center of the state, Boston furnishes the most convenient place for trying cases,⁷ the more prominent attorneys have their offices there, and many litigants have their places of business in Boston while living elsewhere in the state. Probably another important factor in causing delays is the accumulation of legal business in a few hands.⁸ Another cause of unnecessary delay is the duplication

⁶ All judges and justices of courts in Massachusetts are appointed by the governor with the advice and consent of the council; hold office during good behavior, and are removable by the governor on the address of both houses of the legislature. For the judges and justices of the several courts see diagram, opposite p. 136.

⁷ *Boston Finance Commission Reports*, I (1908), p. 400.

⁸ For example, upon a certain trial list for Suffolk county, 1,637 cases were represented by only twenty attorneys or firms. *Report of the Commission to Investigate the Causes of Delay in the Administration of Justice in Civil Action* (1910), p. 10.

of trials resulting from the privilege of a retrial before a jury in the superior court of cases first tried in an inferior court.⁹ The centralization of legal business in the hands of comparatively few firms in Boston, and the ease with which cases from inferior courts may be tried *de novo* in the superior court, inevitably result in the overcrowding of the dockets of the court sitting in Suffolk county.

Advocates of judicial reform in Massachusetts would not remove the evils by means of a radical alteration of the present judicial system, but through certain readjustments among the courts consistent with Massachusetts' traditional conservatism. As regards the supreme court, they would relieve it of jury trials, limit it more closely to "the general appellate jurisdiction"¹⁰ and confine the sittings of its full bench to Boston.¹¹

Among the changes recommended for relieving the congestion in the superior court it is proposed to transfer the trials of divorce cases to the probate court, and to abolish the double trial system.¹²

The congestion of business in the land court, it is claimed, is being materially relieved by the recent legislation,¹³ which prevents a double trial on questions of fact by providing that when a jury trial is claimed the case shall be removed to the superior court at once instead of awaiting an appeal after the case has been completed in the land court. It also provides for the transfer of actions from one court to the other, when it is found the action has been begun in the wrong court, without invalidating the prior proceedings.

A grievance more generally recognized, however, is that Boston is bearing an unjust proportion of the cost of litigation in the state.¹⁴ Boston being the metropolis has to bear the cost of much litigation which, it is claimed, should be conducted in counties other than Suffolk. For the same reason Boston has to pay large sums for the administration of criminal law, owing to the offenses committed there by persons residing outside the county. The city of Boston (for Suffolk county) pays the salaries of practically all the court officers, except the judges,¹⁵ of the courts of superior jurisdiction;

⁹ See below, pages 139-40.

¹⁰ *Report of the Commission to Investigate the Causes of Delay in Civil Action* (1910), p. 14.

¹¹ *Ibid.*, p. 15.

¹² See below, pages 139-40.

¹³ *Mass. Acts*, 1910, chap. 560; 1911, chap. 433.

¹⁴ *Boston Finance Commission Reports*, I (1908), p. 400; VII (1912), p. 290.

¹⁵ The judges are paid by the state.

COURTS HAVING JURISDICTION IN SUFFOLK COUNTY

COURTS OF SUPERIOR JURISDICTION

SUPREME JUDICIAL COURT

1. Chief Justice.
2. Justices (six).
3. Clerk for the Commonwealth.
4. Assistant Clerk for the Commonwealth.
5. Clerk for Suffolk County.
6. Assistant Clerk for Suffolk County.
7. Reporter.
8. Messenger.

SUPERIOR COURT

1. Chief Justice.
2. Justices (twenty-eight).
- Civil Business*
 1. Clerk. [(eleven).
 2. Assistant Clerks in Equity.
 3. Assistant Clerk for Stenographers (ten).
 4. Stenographers (ten).
 5. Messenger.
- Criminal Business*
 1. Clerk.
 2. Assistant Clerks.
 3. Stenographer.

COURT OF PROBATE AND INSOLVENCY

1. Judges (two).
2. Register.
3. Assistant Registers (two).
4. Clerk.

LAND COURT

1. Judge.
2. Associate Judge.
3. Recorder.

MASTERS IN
CHANCERY*
1. Eleven for Suffolk County.

COURTS OF INFERIOR JURISDICTION†

BOSTON JUVENILE COURT

1. Justice.
2. Special Justices (two).
3. Clerk.

CHELSEA POLICE COURT‡

1. Justice.
2. Special Justices (two).
3. Clerk.

EAST BOSTON DISTRICT COURT

1. Justice.
2. Special Justices (two).
3. Clerk.

MUNICIPAL COURT OF THE CITY OF BOSTON

1. Chief Justice.
2. Associate Justices (eight).
3. Special Justices (two).
- Civil Business*
 1. Clerk [(six).
 2. Assistant Clerks
- Criminal Business*
 1. Clerk. [(six).
 2. Assistant Clerks
- Appellate Division*
 1. Justices (three).

BRIGHTON DISTRICT MUNICIPAL COURT

1. Justice.
2. Special Justices (two).
3. Clerk.

CHARLESTOWN DISTRICT MUNICIPAL COURT

1. Justice.
2. Special Justices (two).
3. Clerk.

DORCHESTER DISTRICT MUNICIPAL COURT

1. Justice.
2. Special Justices (two).
3. Clerk.

ROXBURY DISTRICT MUNICIPAL COURT

1. Justice. [(two).
2. Special Justices (two).
3. Clerk.
4. Assistant Clerk.

WEST ROXBURY DISTRICT MUNICIPAL COURT

1. Justice.
2. Special Justices (two).
3. Clerk.

SOUTH BOSTON DISTRICT MUNICIPAL COURT

1. Justice. [(two)
2. Special Justices (two).
3. Clerk.
4. Assistant Clerk.

* For the territorial jurisdiction of the several courts see page 138.

† For the territorial jurisdiction of the several courts see page 138.

‡ For the territorial jurisdiction of the several courts see page 138.

and defrays the cost of the accommodations¹⁶ for the courts incurred while administering justice for the state at large as well as for the county.¹⁷ For the purpose of granting Boston the desired relief a bill was introduced,¹⁸ in 1912, into the legislature providing that the state should pay annually to Suffolk county an amount equaling one-third of the expenses incurred by the city for the maintenance of the supreme judicial court, the superior court for Suffolk county, and the land court, and one-third of the cost to the city of heating, lighting and care of the Suffolk county court house.¹⁹ The bill failed to pass. However, a step towards recognizing the justice of Boston's contention in this matter had been previously taken by the enactment of a provision requiring the state to bear one-third of the expenses incurred for enlarging the Suffolk county court house.²⁰

An alternative proposal for removing the injustice is that the state shall bear all the expenses of the above-named courts throughout the state.²¹ This seems a fairer and more equitable division of the burden of judicial administration. These courts are in reality state courts, the laws enforced by them are state laws; hence why should not the total cost be borne by the state and equitably distributed among the people of the entire state through taxation?

The tribunals of inferior jurisdiction in Suffolk county consist of nine co-ordinate municipal, district and police courts,²² and the juvenile court of Boston. The municipal district and police courts "have original criminal jurisdiction exclusive within their several districts of all misdemeanors, except conspiracies and libels, and of all

¹⁶ Providing quarters, heating and lighting, janitor service, stenographic work, postage, printing, etc.

¹⁷ In 1911-12 Boston expended for the supreme judicial court \$37,932.04; for the superior court for civil business \$338,821.35; for criminal business \$178,998.95; for the land court \$4,105.86. The above amounts do not include the expense of providing accommodations in Suffolk county court house. Maintenance of the court house cost, for the year 1911-12, \$78,133.87. *Auditor of the City of Boston Report*, 1911-12, pp. 186-195.

¹⁸ On the recommendation of the Boston Finance Commission.

¹⁹ *Boston Finance Commission Reports*, VII (1912), p. 37.

²⁰ *Mass. Acts*, 1906, chap. 534; 1908, chaps. 215, 603; 1910, chap. 522.

²¹ *Boston Finance Commission Reports*, VII (1912), p. 290.

²² They are: municipal court of the city of Boston, whose judicial district embraces wards 6 to 12, and 16 to 18; municipal court of the Brighton district, ward 25; municipal court of the Charlestown district, wards 3 to 5; municipal court of the Dorchester district, ward 24; municipal court of the Roxbury district, wards 19 to 22; municipal court of the South Boston district, wards 13-15; municipal court of the West Roxbury district, ward 23; East Boston district court, wards 1 and 2, and the town of Winthrop; Chelsea police court, Chelsea, and Revere. See diagram opposite page 136.

felonies which are punishable by imprisonment in the state prison for not more than five years."²³ In addition all the courts, except the municipal court of the city of Boston, have jurisdiction in juvenile cases. Furthermore they have "civil jurisdiction of cases in the municipal court of the city of Boston, not over \$2,000" and in the other courts, not over \$1,000. The municipal court of the city of Boston, in addition to the criminal and civil jurisdiction within its own district, has civil jurisdiction throughout the county.²⁴ The Boston juvenile court has jurisdiction only within the district covered by the municipal court of Boston.

From the above it is evident that Suffolk county still retains its old system of "segregated courts," still permits to exist ten autonomous, decentralized, wholly independent courts each with its complete and fully equipped organization, with local justices lacking the essential "points of contact" with the other justices of the county, and without any central supervision whatever. Such a system may possibly have had a *raison d'être* when the courts were severally established almost half a century ago, when local sentiment was still dominant and present-day facilities for transportation and communication were lacking. But to-day, in a closely compact urban center with civic, social and economic unity there is no longer any justification of such an antiquated system.

In the light of the experience of other large cities it is difficult to understand how such a system in Boston works as well as it does. That the system has not produced unbearable conditions testifies to the high character of the judges of these courts.

There are, however, three evils due to the system, which are receiving the careful attention of Boston's public spirited men.²⁵ The first is the lack of uniformity in judicial decisions. This results in "a radical and multiform variation and antagonism of practice in matters essential to the enforcement of law."²⁶ For example: the length of probation terms varies among the several courts from three months to two years; again, an offender punished in one court by a small fine may in another court for a similar offense be given a

²³ *Report of the Commission on Inferior Courts of the County of Suffolk* (1912), p. 6.

²⁴ Ninety-two per cent of the civil cases in the county are brought to this court. *Ibid.*, p. 9.

²⁵ *Report of Commission on Inferior Courts of the County of Suffolk* (1912).

²⁶ *Ibid.*, p. 7.

long jail sentence.²⁷ Likewise, in civil business the courts are working under several different sets of rules,—certainly a complicated system which greatly inconveniences both the bar and litigants.²⁸

The second evil is the uneconomic administration of the business of the courts. Official salaries furnish the largest item of expense.²⁹ Such salaries are based upon the population of the several judicial districts rather than upon the work done by the several courts.³⁰ The result is that judicial administration in certain districts costs, for official salaries, from two-fifths to one-half more than in other districts. Furthermore there is an unnecessary waste resulting from the decentralized buying of supplies in small quantities for the clerical departments, from the traveling expenses of probation officers, and from the duplication of prison vans, etc.³¹

The third evil is the duplication of civil trials resulting from the present method of *de novo* retrial of facts in cases appealed from the inferior courts to the superior courts. The situation is clearly stated by the commission which investigated (1909) the causes of delay in civil actions.³² "The losing party in the lower court by merely giving a bond for costs may enter an appeal, the result of which is that the trial in the lower court goes for absolutely nothing,—tends to make the trial in the lower court little more than a preliminary skirmish which simply takes up the time of a tribunal amply qualified to make final determination of the rights of the parties and results in an expense and delay inconsistent with the economy of a modern judicial system." Moreover, the defendant, it is claimed, at times takes unfair advantage of the plaintiff by making a frivolous defense, permits an adverse decision in the inferior court, then demands a jury trial in the superior court where in the retrial he has the advantage of an advance knowledge of the plaintiff's case. Leading members of the Boston bench express the opinion that the major portion of such appeals results not so much from the desire for a jury trial *per se*, but from the hope for a more favorable verdict, or for the

²⁷ *Report of Commission on Inferior Courts of the County of Suffolk* (1912), p. 8.

²⁸ *Ibid.*, p. 9.

²⁹ For example: during 1911-12 in the municipal court of the Charlestown district official salaries cost \$10,178.81 out of a total expense of \$11,680.72. *Auditor of the City of Boston Report*, 1911-12.

³⁰ *Report of the Commission on Inferior Courts*, etc. (1912), p. 10.

³¹ *Ibid.*, p. 11.

³² *Report of the Commission to Investigate Delay in the Administration of Justice in Civil Action* (1910) p. 21.

advantages gained by delay. Delay is not the only grievance arising from the duplication of civil trials. Much unnecessary expense results. It is estimated that civil trials in the Suffolk county lower courts in which the judgment is entirely vacated by appeal, costs the city annually \$15,000.³³

The commission on inferior courts in Suffolk county, in its report to the legislature, 1912, recommended a plan for the eradication of the evils described above. It was proposed to remove the lack of uniformity in judicial decisions and the uneconomic and wasteful administration of business in the courts by the consolidation of the ten inferior courts in the county into a single court. Such court³⁴ was to have jurisdiction throughout the county. A juvenile division of the court having county-wide jurisdiction was recommended.

In the light of the favorable experiences of Chicago, Cleveland and other cities with such reformed courts, and in view of the earnest support of the leading members of the Boston bar and the "overwhelming sentiment of the community as expressed in the hearings" before the commission, in favor of the above changes, it is surprising that the Massachusetts legislature refused to authorize the reforms. The proposed consolidation of the courts was defeated, probably by the opposition of the judges who considered their positions in the light of "vested rights," supported by the traditionally conservative elements in the legislature, which dreaded disturbing the *status quo* for fear it would lead to further attacks upon "vested rights."

The legislature, however, was willing to make a beginning toward removing the "double trial" evil. An act was passed providing that if a party elected to bring "in the municipal court of the city of Boston any action or other civil proceeding which he might have begun in the superior court he shall be deemed to have waived a trial by jury and his right of appeal to the superior court."³⁵ It further provided for an appellate division of the municipal court of the city of Boston "for the rehearing of matters of law arising in civil causes." The appellate division was made to consist of three justices of the court designated by the chief justice. Another section

³³ *Report of the Commission on Inferior Courts* (1912), p. 13.

³⁴ It was "to consist of one chief justice, fifteen associate justices, ten special justices and one associate and two special justices for juvenile work." *Report of the Commission on Inferior Courts* (1912), p. 17.

³⁵ *Mass. Acts*, 1912, chap. 649, sec. 2.

provided that appeals from the appellate division may be taken directly to the supreme judicial court of the state. Since the municipal court of the city of Boston has jurisdiction in civil cases throughout the county and 92 per cent of such cases are tried in that court, the act goes far toward obviating the evil of duplication of trials in civil causes. Time has not yet sufficiently tested the change, but it is believed that if the reform works well in practice it will be extended to all the inferior courts in Suffolk county.

The public officials of the city of Boston perform a large portion of the administrative functions exercised, in counties other than Suffolk, by county officials. The important fiscal functions, elsewhere vested in the county commissioners, are, for Suffolk county, vested in the city council and mayor.³⁶ The treasurer³⁷ and the auditor of accounts of the city of Boston act as treasurer and auditor for Suffolk county. There remain, however, seven county offices, filled by popular election, and a number of appointive county positions filled by the governor of the state, by the judges of the courts or by the heads of county departments. Six of the seven elective county officers are made elective by a constitutional provision.³⁸ That provision stands as a monument to the effectiveness with which detailed constitutional provisions block the governmental reorganization demanded by present-day conditions.

From the early times to within recent years the county offices were held by the old New England families. These offices were, on the whole, honestly if not always efficiently administered. By virtue of high traditions and customs surrounding these offices a seemingly absurd system has worked fairly well. For example: tradition demanded that these elective offices should not be made the object of party spoils or subject to frequent rotation. Custom dictated that when once in office a man should not be removed so long as he honestly performed his duties. He was nominated by both parties and contributed to the campaign funds of both. The offices, however, have been so far removed from the people that the voters have taken little active interest in them.³⁹ Such complacency

³⁶ *Mass. Acts*, 1909, chap. 486, sec. 3. Prior to the charter of 1909 such functions were vested in the aldermen of the city of Boston. These functions embrace little more than the making of appropriations for the county expenses.

³⁷ *Revised Laws*, chap. 21, sec. 5.

³⁸ *Mass. Constitution, Amendments*, Art. 19. It provides that the legislature shall prescribe by general law for the election by the people of sheriff, registers of probate, clerks of the court, and district attorneys.

³⁹ This is equally true of county offices in the other counties of the state.

on the part of the public has permitted the "county ring"⁴⁰ to keep the offices under its undisturbed control. It is claimed that as a rule the sheriff of Suffolk county has been the head of the county ring and the patronage of the office, which is extensive, has been distributed solely on political considerations. Up to a few years ago the subordinate offices in the sheriff's department were divided equally between republicans and democrats. When it was a democrat's "turn" to be appointed, no republican, however superior in qualifications, could be selected. Under the present régime the offices, as a rule, go to the dominant party.

With the "racial displacement" which has been taking place in eastern Massachusetts in recent years the Irish-democrats have supplanted the old New England republicans in the county offices as well as at the "City Hall." Notwithstanding the transition from one race and party to another, the former traditions surrounding the offices have been, in the main, retained. The Irish have proved their practical capacity for government by readily assimilating the ideals of government prevailing in the community in which they live. In general their standards of government are neither higher nor lower than those of the Anglo-Americans whom they have displaced. It is generally conceded that the offices are now being as honestly administered as under the old régime, and in certain instances modern and efficient methods⁴¹ have supplanted the antiquated methods to which some of the former officers had clung.

Notwithstanding the belief that the present system of elective officers works fairly well in spite of the possibilities for evil, there is certainly little practical reason for the election of county officials in Boston. Unquestionably the interest of efficient administration of court business demands the appointment, rather than the popular election, of the clerks of the courts.⁴²

There is no fundamental reason why there should continue to

⁴⁰ "County rings" are strongly intrenched party organizations, the objects of which appear to be the perpetuation of their members in office and the distribution of appointive positions mainly for party or personal ends.

⁴¹ A conspicuous example is the change made in the office of register of deeds by the present generally conceded efficient register, W. T. A. Fitzgerald.

⁴² Recently popular elections lost for the city the efficient services of a clerk of the supreme court who brought to the execution of the duties of that office twenty-five years' experience and training as an assistant clerk in the municipal court, superior court, and supreme court, and as clerk of the supreme court. The officer who displaced him, although a lawyer of ability, had no special training for the position.

be a registry department for the county and a separate one for the city. Why could not these separate departments be consolidated into a registry department with a head appointed under civil service regulations, similar to that of the treasurer or the auditor of the city of Boston? Abundant evidence supports the contention that it would be a step toward more efficient administration and a higher professional standard to place the county departments under heads appointed under civil service rules. In such a case, however, experience and character should be given legitimate weight in establishing ratings among those eligible to appointment. Since the functions exercised by these departmental heads are administrative rather than policy-making, why should they be elected? To make these offices appointive would free the officers from the bondage of the political party to which they must look for re-election. It would further encourage men of first-rate ability to make special preparation for the positions, knowing that long tenure of service with an opportunity for advancement followed an appointment. The city could then avail itself of the services of experts instead of amateurs. Such a change would not only be in harmony with the "short ballot" principle, but, by eliminating a number of elective offices hitherto filled by party organizations, would also further aid the city of Boston in freeing herself from the influence, in city affairs, of permanent party organizations.

One of the striking anomalies in Massachusetts government is that the civil service laws which apply to city appointees⁴³ have never been extended to county appointees. The reason commonly assigned for this is that the "county rings" desired to preserve their patronage unembarrassed by civil service rules, and that they had sufficient influence in the legislature to prevent the passage of any civil service law unless the counties were omitted. It seems that the "county rings" in Massachusetts have great political influence which they have invariably exercised upon the members of the legislature whenever legislative authority has been invoked for the extension of civil service to the counties.

In practice the failure to apply civil service laws to county appointments has resulted in the exclusion of practically all qualified persons except the friends and acquaintances of the appointing officers. The quality of the appointment depends entirely upon

⁴³ *Mass. Acts*, 1884, chap. 320.

the character and ability of the official who is for the time being the department head, or on the party organization which controls him. Appointments as a rule are treated as a private matter and political and personal considerations commonly enter into the selection. The appointee is inevitably under obligations, not to the public, but to the appointing officer. It is probably true that subordinate officials are rarely disturbed for political reasons unless prominently offensive in political matters. But the tendency seems to be not only to fill vacancies with friends, but also to create new places for them. The natural result is increased cost of administration and probable loss of efficiency.

To illustrate, let us take two examples. The penal institutions of Suffolk county are under the jurisdiction of the penal institutions department in Boston.⁴⁴ The penal institutions commissioner, the head of the department, is appointed by the mayor subject to the confirmation of the civil service commission. He is, therefore, considered a city official, and his appointments for the city office are subject to the civil service regulations.⁴⁵ The Deer Island house of correction is under the jurisdiction of the penal institutions commissioner. Nevertheless it is considered a county institution whose officers and employees are exempted from the civil service laws. By statute the penal institutions commissioner is authorized to appoint the master of the house of correction who in turn selects his subordinates.⁴⁶ In practice it probably works out that the Deer Island officers and employees are selected by the party organization in power in the city.⁴⁷ As a result, it is claimed, unfit appointments have been common. An investigation by the Boston Finance Commission⁴⁸ discovered among the officers and employees of the house of correction men who had been dismissed for cause from state or city appointive positions,⁴⁹ men who were guilty either of providing the prisoners with or of permitting them freely to procure morphine and cocaine⁵⁰, and men who were seen drunk not only while on leave of absence, but even while on duty.⁵¹ The commission, finding a

⁴⁴ *Mass. Acts*, 1897, chap. 395, sec. 5; 1899, chap. 245.

⁴⁵ The Attorney General of the state has so ruled.

⁴⁶ *Revised Laws*, Chap. 224, sec. 16.

⁴⁷ *Boston Finance Commission Report*, V (1910), pp. 86-87.

⁴⁸ *Ibid.*, pp. 84-94.

⁴⁹ *Ibid.*, p. 87.

⁵⁰ *Ibid.*, p. 89.

⁵¹ *Ibid.*, p. 87.

number of the officials "guilty of the same offense as three-fourths of those who are receiving punishment under their charge," drew the conclusion that, "though the institution was meant to be a reformatory, it more nearly resembles a school for crime."⁵² It is difficult to see how conditions may be permanently improved so long as subordinate officials are appointed through political influence which they believe is strong enough to keep them in office notwithstanding their misconduct.⁵³

A second specific example is found in the recent appointment of the clerk of the municipal court of the city of Boston.⁵⁴ Since the clerk is not under civil service regulations the dominant political organization in Boston, it is claimed, was able to bring pressure to bear on the governor's appointment. It is alleged, that the appointment was made solely for political purposes. The appointee had not served an apprenticeship in any inferior clerical position, and was qualified for the position neither by training nor previous experience. The number of appointees in that department, and the cost of administration, have been increased, it is claimed, as a direct result of this appointment.

County officers, especially county commissioners and sheriffs, have taken a most determined stand against the extension of civil service laws to county appointees in general. Many of these officers, I doubt not, honestly believe that the good of the service demands the continuation of the present system. They contend that the sheriff should be left free to select unhampered the members of his "official family," since he is required to furnish a bond large enough to cover "every official act of his deputies." They have little confidence in civil service examinations as a practical, efficient method of selecting men especially fitted for subordinate positions. A man of long and successful experience as a county official recently stated to the writer that he "should as soon think of applying civil service examinations to the selection of a wife as to the selection of any member of an official family." They contend further that such officers as keepers of jails and masters of houses of correction must be selected preeminently for their special fitness for the work required outside of their ability to pass an examination. And although a civil

⁵² *Boston Finance Commisison Report*, V (1910), p. 91.

⁵³ *Ibid.*, p. 93.

⁵⁴ The clerks as well as the justices of the municipal court are appointed by the governor.

service examination furnishes an officer "well equipped physically and mentally, it cannot possibly adequately test his moral temperament or social virtues."

These officers who inevitably have a personal interest in retaining unhampered the authority to select their subordinates are supported by persons, who from entirely impersonal considerations, believe that county officers who having to do directly with the courts should not be brought under civil service regulations. Certain men go so far as to assert that it is presumptuous on the part of any civil service commissioners to put themselves up as an authority greater than the judges of the courts.

On the other hand, it is the opinion of certain men⁵⁵ of practical experience that the public would receive greater protection through the civil service commission than they have received or are now receiving from the judges. If we grant that civil service laws should result not only in raising the standards of efficiency in public service, but also in giving to all qualified persons an equal opportunity of attaining office, does it not logically follow that clerical positions in the courts should be brought under civil service regulations? For, in case of appointments made by the judges personally, all qualified persons are necessarily excluded except the friends of the judges or those recommended to the judges by their comparatively small circle of friends.

Many men of experience in office are convinced that the extension of civil service to county appointees would not only increase the efficiency of the service and give all competent candidates a fair and equal opportunity, but would also be of great advantage to the officials who now have the appointing power. For in his appointments the elected official, if he hopes for re-election, is now forced to respect the importunities of the party politicians. The most convincing argument in favor of the extension of civil service laws to the county appointees comes from a comparison of the service rendered by the non-civil service appointees with that of the state or city appointees under civil service. Moreover, if civil service laws are necessary for city appointments, where the appointing officer has the public attention continually centered upon him, how much more necessary are they for county appointments where the appointing officials are so far removed from the people that they escape the sobering effect of a focused public scrutiny.

⁵⁵ Men in no way connected with the civil service commission.

Another set of Boston county problems relates to county finances. The Boston Finance Commission pointed out⁵⁶ in 1908 that there was no legal limit upon taxation for county purposes, "no effective check on the increase of salaries and the creation of new places;" and a "crude system of estimates and appropriations" existed. Such a system resulted in an increase in county general expenditures of about 97 per cent, within fifteen years prior to 1908, in contrast with an increase of about 32 per cent in population and 51 per cent in valuation.⁵⁷ The Boston city charter of 1909, however, has remedied certain of these difficulties. The system of appropriations and expenditures under the new charter furnishes a much more effective check on unnecessary county expenditures than was possible under the previous conditions. The heads of the county departments are required to submit annually to the mayor of Boston itemized estimates of the expenditures of their departments. Such estimates are examined by the mayor, and, at his discretion, are incorporated in the annual budget which is then submitted to the city council for its approval. The council may omit or reduce, but may not add or increase any item.⁵⁸

Perhaps the most effective check on county expenditures is the Boston Finance Commission. It has the right (of which it makes the fullest use) to investigate county appropriations and expenditures and report its findings to the mayor and city council, the legislature, or the governor of the state.⁵⁹ Nevertheless, the rate of increase in the general county expenditures continues disproportionately large. The increase for 1911-12 over such expenditures for 1910-11 was about 8½ per cent.⁶⁰ Probably no small item in the increased expenditures in certain county departments arises from the "new places" which, it seems, may still be created too easily. There is still no legal limit on taxation for county purposes. County expenditures are borne by the city. However, the tax limit of \$10.55 on each \$1,000 of assessed valuation⁶¹ does not apply to county expenditures. Over and above the tax limit, the city may raise by taxation an unlimited amount for county purposes. The city debt limit of 2½ per cent of the assessed valuations⁶¹ includes the county debts

⁵⁶ *Boston Finance Commission Reports*, I (1908), pp. 392-403.

⁵⁷ *Ibid.*, p. 393.

⁵⁸ *Mass. Acts*, 1909, chap. 486, sec. 3.

⁵⁹ *Ibid.*, chap. 486, sec. 18.

⁶⁰ *Boston Statistical Department, Special Publications*, No. 19, pp. 27, 32.

⁶¹ Upon the average assessed valuation for the three preceding years less abatements.

since the city pays all the county expenses. In practice, however, the city debt limit amounts to very little in checking county expenditures, for most loans for county purposes are made under special statutes outside the statutory limit of indebtedness.

So far the county finances have not seemed sufficiently burdensome to demand a tax or debt limit for county expenditures.⁶² But if the expense of the administration of county departments continues its present rate of increase, and if Boston is not in some manner relieved from bearing a disproportionate share of the expenses of litigation in the state, some arrangement for both a debt and a tax limit for county expenses will probably be demanded.

The present method of purchasing supplies for the county departments is, to say the least, uneconomical. The supplies for the different county departments are not purchased through the city supply department, but by each department head independently. There is absolutely no attempt at standardization of supplies for the county departments. There is not even the limited amount of standardization which is applied to city supplies. Efficient business administration demands that, since the city pays county expenses, supplies for both should be standardized and purchased through a single supply department.

Boston's relation to the other municipalities in Suffolk county, namely, Chelsea, Revere and Winthrop, is a further source of questionable expense. Chelsea, Revere and Winthrop are considered a part of Suffolk county for the purposes of the administration of justice and the election of county officials.⁶³ These municipalities, however, have no share in the ownership of, or jurisdiction over, county property, the title to which is vested exclusively in the city of Boston. At the same time they are freed from taxation for county purposes, since the entire county expense is by law charged to the city of Boston. Thus they receive the benefit, but do not share the expenses, of the administration of justice. Boston not only defrays the expenses of courts of superior

⁶² The actual expenses for county purposes are small compared with those for the city; for example, for 1911-12 the actual expenses on account of the county of Suffolk were \$1,636,168.09 in comparison with \$33,341,529.32 on account of the city of Boston. *Auditor of the City of Boston Report* (1911-12), pp. 182, 199.

⁶³ For purposes relating to the jurisdiction of county commissioners, however, Revere and Winthrop are under the authority of the commissioners of Middlesex county and the electors of those towns vote for commissioners of that county, while in Chelsea the aldermen of the city exercise in most cases the functions of county commissioners. (*Revised Laws*, chap. 20, sec. 34.)

jurisdiction sitting in the county, but she also bears the greater share of the cost of the Chelsea police court.⁶⁴ In this connection Boston suffers a further slight injustice from a general law for all counties which provides that "fines in police or district courts go to the city or town in which the offense is committed." As a result of this law Revere and Winthrop, which contribute nothing to the maintenance of the courts, make a clear profit from the fines thus received.⁶⁵ The legislature in 1911 attempted to eliminate the injustice by passing an act providing that upon application by any of the municipalities in Suffolk county the supreme judicial court should appoint a commission to investigate and report its decision concerning the adjustment and apportionment of the county expenses among the several municipalities, and that "the decree of the court confirming the decision shall be final and binding."⁶⁶ The act, however, was declared (May, 1912) by the supreme judicial court of Massachusetts unconstitutional on the ground that it was "an attempt to transfer to the judicial department a legislative power",⁶⁷ which is contrary to the constitutional provision declaring that ". . . the judicial shall never exercise the legislative or executive powers or either of them; to the end it may be a government of laws and not of men."⁶⁸ This decision, however, leaves the legislature free to act directly in the matter should it choose to do so. A bill has just been introduced (March, 1913) providing for the appointment, by the governor, of a commission composed of non-residents of Suffolk county, authorized to consider the adjustment of Suffolk county expenses and report a suitable bill to the legislature in January, 1914. There is at present a movement on foot to annex Revere to Boston. The apparently growing demand for annexation to Boston of the contiguous municipalities may enter into the solution of the problem of Suffolk county expenses.

A survey of Boston's county problems should not be dismissed without a consideration of the relation of the city and county to metropolitan Boston.⁶⁹ Metropolitan Boston, or "Real Boston,"

⁶⁴ *Boston Finance Commission Reports*, I (1908), 435. During the year 1911-12 Boston paid on account of Chelsea police courts the sum of \$13,932.13. *Auditor of the City of Boston Report* (1911-12), p. 195.

⁶⁵ *Boston Finance Commission Reports*, I (1908), p. 436.

⁶⁶ *Mass. Acts*, 1911, chap. 482.

⁶⁷ 212 *Mass. Reports*, 127.

⁶⁸ 212 *Mass. Reports*, 128. Quoting *Mass. Constitution*, Art. 30 of the Declaration of Rights.

⁶⁹ *Proceedings of the American Political Science Association* (1911), pp. 70-72.

in contradistinction to municipal Boston, comprises an area of four hundred and seventeen square miles with a population of about a million and a half, while municipal Boston has an area of only thirty-eight square miles and a population numbering a little more than six hundred and seventy thousand. While there has grown up a great urban center with a population bound together by common commercial and industrial interests, no central government for the whole has been devised. Over this urban population there are thirty-nine different municipalities, five counties, the metropolitan park commission, the metropolitan water and sewer boards, each independent of the others and under the jurisdiction of no central authority except the state legislature.

With the consolidation of the metropolitan area into a great industrial and commercial unit has come a consciousness of a community of interests which causes many to look with impatience upon the existing decentralized, segregated system of local government. Such a system with its conflicting municipal and county jurisdictions, it is believed, hampers the effective solution of the industrial, commercial and social problems⁷⁰ common to the entire district. The result has been a more or less intermittent agitation for the adoption of some form of governmental cooperation within the metropolitan district.

As long ago as 1896, a metropolitan commission submitted to the legislature a plan for bringing all the municipalities within the metropolitan district into "the boundaries of a single county."⁷¹ Such a county should "have larger legislative and administrative powers than counties in . . . (the) state . . . (had) hitherto possessed."⁷² The existing counties and metropolitan boards within the district were to be abolished and their functions vested in the newly-created county government. The county, according to the commission's proposal, was to be governed by a "county council" in which the cities and towns of the metropolitan district should have "reasonable representation."⁷³ Hostility of the county interests and the spirit of local autonomy in the several

⁷⁰ Such as "developing industrial sites and centers" and "an adequate system of terminal facilities". Pamphlet *Real Boston* issued by Boston Chamber of Commerce, Dec., 1910, p. 5.

⁷¹ *Report of the Metropolitan District Commission* (1896), p. 3.

⁷² *Ibid.*, p. 6.

⁷³ *Ibid.*, p. 41.

municipalities probably were the chief factors in defeating the proposed union.

Since 1896 the question of governmental cooperation in some form or other has been almost continually before the people of the metropolitan district. Recently, the Boston Chamber of Commerce has been leading the agitation for the federation of metropolitan Boston. It favors the creation of a metropolitan council with "advisory powers only,"⁷⁴ consisting of representatives of thirty-nine cities and towns within the district. A somewhat similar proposal has been made by the "metropolitan plan commission" created by the legislature in 1911. A bill before the legislature at the present time (March, 1913) contemplates the consolidation of the metropolitan district into a single municipality.⁷⁵ The status of public opinion, however, seems to preclude, for the time being at least, the possibility of accomplishing the proposed consolidation. The desire to retain local autonomy and the mutual jealousies among the several municipalities are prominent hindering factors. Perhaps the most obvious obstacle to consolidation is the fear of complication growing out of the liquor license question.⁷⁶ Certain public-spirited men in Boston further oppose such a change on the ground that under the present standards of municipal government it would result merely in the consolidation of "the political power of mercenaries" which would aggravate rather than reduce the existing governmental evils.

It is noteworthy that the more recent proposals for the governmental unification of the metropolitan district have not contemplated disturbing in any manner the boundaries or functions of the counties within the district. At present it seems probable that the solution of the problem of a "Greater Boston" will be attempted through the slower process of piecemeal annexation and that the present illogical and antiquated position of the counties in the district will not soon be disturbed. However, it is difficult to believe that in the great urban community comprising metropolitan Boston, a system of county government can permanently remain, the boundaries and functions of which conform to eighteenth century local conditions rather than to those of the present day.

⁷⁴ Pamphlet *Real Boston* published by the Boston Chamber of Commerce, March, 1911.

⁷⁵ House Bill Number 1119, "an act to provide for a Greater Boston by the consolidation into one municipality all cities and towns lying wholly or partly within ten miles of the State House."

⁷⁶ Boston is "wet" while the surrounding municipalities within the urban district are "dry."

COUNTY ADMINISTRATION OF SCHOOL AFFAIRS IN ITS RELATION TO THE STATE DEPARTMENT

BY FRANK H. HARRIN, A.M.,
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Second to no other question of government is that of the administration of public education. While we of America so justly boast of our accomplishments in that line, may we not well pause to inquire if much of our extreme elation is not open to serious question? While there is no cause for pessimism there does seem to be every cause for serious facing of the facts. In 1910¹ there were in the United States more than five and one-half million persons over ten years of age who could not read or write. This means seventy-seven out of each thousand of our people illiterate. It is quite true that this number is made somewhat larger than would otherwise appear, by the incoming immigration and the presence of the negro. But these classes are with us, and the realization of that seeming excuse does not lessen the largeness of our problem. It should be noted that while 67 of each 1,000 of our children of native parents are illiterate, that only sixteen native white children of foreign parents are in that class. And aside from illiteracy, we must not be content unless education is leading our people well up toward the limit of their possibilities as individuals and as members of a great cosmopolitan state.

Universality and Unity of the Educational Problem

Nor should the good of the individual be alone considered, for more and more should we feel the importance of education as a nationalizing force. A realization of this vital fact calls for a universal interest in the solution of any and every educational problem; each should be an item of more than local interest. True the city has its particular system and plans within that system; the rural region is working on its problems; but each is of importance to the other. Especially must the city be concerned with what the rural region is to be. Peculiarly is the city dependent on the country; prolonged

¹ Russell Sage Foundation. *A Comparative Study of Public School Systems.*

prosperity in the city is impossible without a prosperous rural and small village community to supply its needs. And what the rural region is to mean to the city depends upon the intelligence of the rural people. An intelligent gardener, horticulturist, farmer, stock man is a greater producer than his ignorant neighbor; he contributes a larger food and a better food to the city buyer; he himself is a larger buyer and a better buyer of what the city has to sell. Each new invention of transportation or communication breaks down the city limit, tramples to the ground the hedges once surrounding the small community—city and rural region are merged into one great living thing.

Free School Idea and Its Expansion

The wisdom of the free school idea so largely accepted in this day we assume without question. But more and more must the idea be extended—extended commensurate with the changed conditions and unified relations. As the free school idea originally assumed the right to tax the one for the education of his neighbor's child just so now is distance obliterated and the neighbor may not be so near as the adjoining block or farm; he may be in the other end of the township, in the other side of the county, in distant part of the state, but yet within the system. Enlarged relations demand enlarged units of consideration as to educational taxation and administration. While education must come close down to the child, the expenses for education must not be a local matter. The child educated is more than liable to give his life work to another community, to the city perhaps, and not to the locality that might otherwise be called on to meet the cost of his education.

Needs of the Educational Work

Then, while accepting the free school idea and agreeing that we should not be content with less than the very best, examination shows that our schools have far from reached desired ground; having accomplished much for the American youth, they yet can accomplish more. A close analysis discovers that they are weak especially in these particulars: the terms are too short; teachers are poorly paid, hence, poorly trained; too many children of school age are not enrolled; per cent of attendance on enrolment is too small; schools are poorly graded; marked inequalities are evident. Six

states have their schools open less than six months of the year and one but five. Thousands of rural teachers are paid less than \$150 per year. One New England state pays less than six dollars per week to hundreds of teachers. The average yearly wage is less than \$500. Carpenters, coal miners, factory workers, common laborers receive more. Teachers cannot be well prepared and stay with the work under such conditions; schools lose the best. Several states have fewer than two-thirds of their children enrolled in schools of any kind; under proper organization they could have more, for three states at least have more than ninety per cent in school. Taking the whole country over, the school year taken advantage of by every pupil of school age would be equivalent to little more than four months, and for nearly one-fourth the states it would be less than three. Many schools stand entirely ungraded, no unity of action, even though transfers of pupils from one district to another may be common, each school is too often a rule and a law unto itself. Thus it can be seen that the schools are falling far short of desired efficiency, often discouragingly short, falling short while surrounded by most powerful forces for our nation's future if they be developed, forces latent in those boys and girls that are not getting their fair share of what the state should give. There is too much inequality. We should not and must not be content until we see the poorest schools of the future equal to the best of to-day. And how bring about that desired condition?

What Would "Big Business" Do?

Doubtless many forces may be made to work together to correct deficiency, but we shall within the scope of this short paper look to the one that seems to promise most. Let us look at it through seeing what business, especially "big business," does under similar circumstances. Business everywhere, when well organized, considers, not its capital, but the men in direct control, as its most vital asset. An examination of the great "trusts" that have arisen in these late years, arisen to succeed and stand or to fail and fall, shows that each did so largely in proportion to the caliber of the men in charge. Other items come in to influence, certainly, but, failing of a forceful head, large general success does not come. Not retrenchment but efficiency is the watchword, and business with increased remuneration more than commensurate is the result.

Parallel in Education

And so must education do; so must we respond to the educational need,—for here also is “big business.” Think of it (county and city considered):² New York with \$198,000,000 invested in school plant; Illinois, \$88,000,000; Massachusetts, \$72,000,000; Missouri, \$38,000,000; California, \$45,000,000; in the Southern States, from \$2,500,000 to \$23,000,000; a total for the nation of more than one billion dollars. In addition to this investment in plant, public education in the United States receives more than one-third of a billion dollars for yearly maintenance of the work. Other business seems to sink into insignificance when compared with this really “big business.” Education reaches, or should reach, in its influence every individual, which no other business does. Should it not have the most efficient oversight? States should certainly look well to the administration of such amounts. If a business to turn out pig iron, or cotton cloth, or oil, or cigars, can afford to call the best, though high-priced, business talent to its service, cannot afford in fact to pay men of lesser worth, can the public schools whose product is to be men and women do a lesser, smaller part? We must have the result in education of the enthusiasm, advice, force of our best men, and that expended right where it may count for most. We must look to our problem of supervision for undoubtedly we have not shown the wisdom of the business man with only dollars and not lives of boys and girls at stake. Supervision is not everything but as a large item it demands especial notice.

What Has Been Done?

But that does not mean that little has been done in school administration. Much has been accomplished. Practically every state has its state superintendent of schools or some officer answering thereto, and they form a splendid group. These officers, while concerned with the work of the state as a whole, see in the small community and rural region their greatest problem and opportunity. What they now are doing toward the betterment of conditions fills the whole outlook with promise. But what course is best seems nowhere to have been fully determined. Many excellent plans formu-

² Russell Sage Foundation. *A Comparative Study of Public School Systems.*

lated have not been carried out because of lack of financial support. Legislators must be educated to the need and convinced of the best course to pursue. But this is evident: state departments hope to accomplish most, only as they have supervisors of smaller units under their direction. In most states this has taken the form of county supervision, for the feeling prevails that a supervision close to the problems can best work out definite results. It is understood, of course, that, in several states, the county does not exist for school purposes, so special law provides instead. A majority of the states already have county supervision, in most of them the office being compulsory, as in Kansas, Missouri, Illinois; in others, as in Arkansas, it is optional with the county. Nevada is one state that has abolished the county superintendent and put out into the work five deputy state superintendents instead. Virginia has a system of district supervisors, sometimes with only one county, but often with more than one. There is an effort generally to carry out supervision in particular lines and the plan seems to promise much. West Virginia has twenty-nine superintendents of magisterial districts in addition to county superintendents. Ohio has no county superintendents, but has legal provision, through local option, for district and township supervision. Massachusetts provides for supervision of townships or of groups of townships. Rhode Island, Maine, Vermont, have similar laws but in many cases they are not complied with. In 1910 it is said that forty per cent of the pupils were without supervision. Bills for providing assistant county superintendents were passed in 1911 for Indiana, Michigan, Minnesota, Oklahoma. Several other states already had some such provision. Oregon has a most significant law which provides that when a county has more than sixty school districts, the county superintendent shall appoint a county educational board which shall divide the county into supervision districts of twenty to fifty schools with a supervisor over each, he to act under the county superintendent. Other states with varying plans might be mentioned but the above is representative of what would be found.³ Boards of education of varying composition and diversity of powers act with local supervisors; in some cases advisory, in others subject to him, in yet others largely dominating his action.

³ In some cases no late report was received, but these serve to show average conditions.

Qualification, Election, Salary and Duties of County Superintendent

Qualifications of the county superintendent or corresponding officer vary greatly. In some states the law is quite specific and calls for large academic and professional preparation. In others there is practically no limitation as to choice. He is usually expected to be a resident of the region for which chosen. The plan of selection varies greatly. Election by popular vote in same manner as other county officers are chosen is the usual plan; appointment by those in higher supervisory positions is found; appointment by boards of education is not uncommon. In many places the office is largely a political one and thus the best man often fails of choice. The salary is generally inadequate. In 1907 the maximum in one of the best states of the Mississippi Valley was, with a single exception, \$900, and as low in some counties as \$400. Salary usually varies with the number of teachers supervised. In North Dakota assessed valuation is the basis. The new code of Pennsylvania fixes on \$1,500 to \$2,000 paid by the state, and the county may add to this amount. Some counties have an assistant at \$1,200. Some southern states run as low as \$450 plus \$150 for traveling expenses. New York pays \$2,000 by the state, and the county pays \$600 for clerk hire. In many states the salary will not continually command the best talent for the work. And yet excellent things have been done.

The usual work of the county superintendent covers most of the following mentioned lines: (1) Office work, which demands entirely too much of his time, at least half of it being usually spent clerically. (2) Certification of teachers and advice plus more or less authority regarding their employment. Certification plans vary widely, from full power in his hands, to mere oversight of writing on the questions sent out by state board and return of manuscript to them for grading. (3) Visitation of the teacher in her schoolroom work, giving encouragement and advice. (4) Holding of teachers' institutes, associations, reading circle meetings, etc. (5) Distributing state and county funds. (6) Making reports of conditions to those in authority above him. In many places, of course, these six lines are abridged as only part time is given to the work. The following enumerated list from responses by state superintendents to a questionnaire as to best things being done by county superintendents is representative of the special efforts put forth by those officers.

These are in addition, of course, to their regular work of visitation and general supervision. In the list we find the following as representative of best movements: Supervision for better agriculture, industrial education, boys' corn clubs, girls' domestic science, manual training, uniformity in use of course of study and promotion examinations, county graduation, establishment of standard one-room schools, good roads, special schools for older boys and girls, consolidation and rural high schools, heating and ventilation improvements, sanitation, play and games, school farms, medical inspection, improved local taxation, teachers' training in high schools, county agricultural high schools, supervision of agriculture and domestic science, plans against illiteracy, demonstration farms, lengthened school terms, annual county school-day exhibit, social betterment, supervision of special subjects, special assistant to county superintendent, cleaner school grounds, school gardening, cooperative purchase of school supplies, outdoor schools, poultry clubs, patrons' clubs, spelling contests, county field meets, libraries, pupils' reading circle work, primary supervision. These are certainly some active and worthy lines. North Carolina has had a system of county superintendents' meetings that seems to promise much. There were no addresses, but practical problems were worked out and uniform programs were agreed upon. At these meetings, state supervisors conducted work along their particular lines, *i. e.*, teachers' training, inspection of elementary education, high school work, agriculture, health. Three days of five hours each per meeting were given. County superintendents returned to work enthused with new ideas practically formulated. The idea is bound to grow. As mentioned, in some particular states, assistants to the state department in the person of special supervisors more or less numerous have lately been doing some excellent work. Some good work has been done thus in Kansas. Those in Arkansas under the direction of the state superintendent are among the most significant. Among these are a high school inspector, who goes into every county; a supervisor of elementary education who does a similar work for those schools; school improvement association organizer; special worker with the negroes in their educational problems.

Tendencies

A larger degree of centralization in maintenance as well as in control is everywhere in evidence. With county superintendents

the tendency is to increase required qualifications and to raise salaries, both tending toward greater efficiency. The unity of the problem is drawing it more and more away from local taxation toward increased state funds. Nevada pays for all supervision outside of cities. Pennsylvania pays her county superintendents everywhere. New England states contribute a part. In raising a fund for general school purposes, a proposed law of Massachusetts, which, however, failed of passage, while extreme, is yet indicative of the trend. It provided that all school funds be raised by a state tax to the exclusion of all local taxes. It undoubtedly points toward large changes in the near future. Local taxation, especially as to its distribution, is in most cases bad. We must have larger units that equity may prevail. Weak, though just as worthy and more needy, communities continually suffer for want of funds while their neighbors have more than sufficient for all school needs. State superintendents are more and more exercising their advisory and organization powers. Some states allow state and county superintendents to be chosen from outside the territory they are to supervise. Length of terms is left more unlimited. Certification is passing into the hands of the state.

The Need as it Appears To-day

What shall the educational future of the county or similar unit be? Two demands in a way seemingly at variance are most in evidence. The one consistent with the large unity of the whole plan of education demands that the state supervisor have all district and local supervisors under his control, and that plans largely emanate from his office. The other, growing out of purely local conditions and local pride, demands that the supervisor be one locally interested in the work, that he shall give himself to problems close to the individual school and the home. In most respects these two work out together, in the matter of initiation of reforms they may appear at variance but are not. The need calls for both and more. Let us examine what seems to be the need from the point of view of: I. Number, kind, and grade of supervisors. II. Relationship and dependence among supervisors, with conferences and plans. III. County superintendents and county boards of education. IV. Finance.

I. Number, Kind and Grade of Supervisors

(A) There should be a state superintendent acting with a state board, the two bearing about the same relation to one another and to the educational work of the state as is found in most of our commonwealths of to-day. Little reform as compared with other needs is here evident. The state superintendent's tenure of office should be greatly increased. He should be the best man obtainable, even though he be brought from outside the state as Governor Woodrow Wilson did in selecting New Jersey's Commissioner of Education. (B) Deputy state superintendents, two or more, sufficient to bring the central office more closely in touch continually with all parts of the state. The force of a strong state department needs to be felt more. (C) Supervisors of special subjects: High school inspector; inspector for elementary education; agricultural leader; school improvement organizer; worker with special classes. (These latter and those mentioned under (B) could in many states be the same individuals performing both duties.) (D) County superintendents. (E) District supervisors or visitors, one for each thirty to fifty schools acting as deputies for school visitation under the county superintendent. States having township rather than county units should have unions of a number of townships to equal usual county in extent, or, having township supervisors, deputy state superintendents might perform supervisory duties of county superintendent as one or the other plan best works out there. The Nevada plan of five deputies and no county superintendents or district visitors would hardly be sufficient for more densely populated regions. The Oregon plan of division within the county fulfills our ideas of closer visitation and supervision of the individual teachers.

II. Relationship Among Supervisors

Relation and dependence among these suggested officers are perhaps evident. The state superintendent would have as his advisory board and co-worker his deputies and supervisors of special subjects. These could best perform most duties of the state board as now constituted. In their frequent meetings, plans would be perfected, circulars issued, legislation planned. Special supervisors would go out to push their departments, deputies sufficient to reach all parts of the state once or twice a year at least would look after general interests among the county superintendents. Once during

the summer, and at other times as needful, they would hold conventions of county superintendents, perhaps by congressional districts. Here, as in the North Carolina plan before mentioned, enthusiasm and school spirit would be engendered, supervisors could well present their several special lines, practical plans be formulated. The county superintendent would go back to his work carrying something of value to his county. He with his deputies or district visitors would work out their ideas modified to meet local needs. This enthusiasm and these advanced ideas carried on to teachers would be felt immediately throughout the state. Schools would be bettered, not by mechanically formulated rules and plans, but by intelligently adapted ideas, ideas fitted to needs, and if no need then no action. But action taken would be united action. Especially would come united encouragement and enthusiasm. Deputy county superintendents (and township supervisors, where that plan prevails), should have only such number of teachers as they could well oversee, not so few as to invite to over-supervision. The committee of twelve of 1897 suggests that one could supervise from fifty to seventy-five teachers, but thirty to sixty would seem to be better under this plan.

III. *County Supervision*

Whatever plans may otherwise be, the county superintendent or similar officer is indispensable to a successful school system. States with county units have ideal opportunities. Most states are at least partially realizing this and providing for such officer. The qualifications should be high. They should be active school men, the best from the teaching force obtainable and if necessary to secure the best, county and state lines should serve as no barrier in their selection any more than it does in securing city superintendents. The likelihood of securing best men for the place seems to come through other than popular election. Under that system politics plays too large a part. Special commissions of Wisconsin and of Texas as well as other places have determined that the county superintendent should be chosen by the county board of education, and that seems the best plan. Georgia, North Carolina, Louisiana, Maryland so choose. Boards being chosen by the people stand responsible for their selection of county superintendent and when he proves unsatisfactory they need not wait until the end of his proverbial four years to make a change. This officer must be gotten

out of politics and such cannot be so long as popular election along with other officers is resorted to. When chosen, his tenure should be understood to be so long, and only so long as his work is satisfactory. Look at Kern of Illinois, or Miss Jessie Field of Page county, Iowa, and others for example. They should be given such territory (possibly more than one county in sparsely settled regions) as would occupy their full time. There should be no division of time with other occupation. With these safeguards more of real worth could be secured. The salary, as suggested elsewhere, should be such as would offer an inducement to enter that line and to remain actively engaged. We need not repeat the duties in detail here. Those elsewhere enumerated would practically all be within his line of action, his duties being mainly outside first and second class cities. His deputies would constitute his advisory board and with him might exercise many of the duties of a county board. We would suggest some changes and additional duties. Certification as found in many states should be mainly in the hands of the state board. Questions should come from that body; county superintendents oversee manuscript work; grading and certification be done by state; county superintendent to approve certificates for his county. He should make consolidation of weak schools an item of especial attention as a most important movement. Undoubtedly here is opportunity for a larger, fuller rural life. He should strive to build up his teaching force, and encouragement of normal training work in high schools is one of the most promising lines. For purposes of administration of specific schools, including organization, employment of teachers, etc., the township is better than the single school district as unit, and county as unit would be yet better. The success of Richmond county, Georgia, is an example. Undoubtedly we need to get away from the antiquated idea of single districts as units. In the selection of teachers the county superintendent should have larger advisory and stronger selective powers. The list of county superintendent's possible activities before mentioned, and which we need not repeat here, shows how great and far-reaching may be his influence over school and community life. No other officer approaches him in the possibilities of his work. County boards of education, elected by the people, should be carefully chosen and should stand ready to advance school interests generally.

IV. *Finance*

Reforms in our financial system as suggested are much needed. The tendency is more and more to draw on a state fund for large part of the need. The time has passed when this should be a local matter. A certain part, more than one-half, the needed funds should come from a state tax, and then local areas may supplement this amount as needed. The extreme position of the Massachusetts law before mentioned is, to say the least, not without its proper tendency. By all means should we have reform of our largely used system of financial distribution of moneys.

Some General Objections Answered

Two objections may at once arise. Is not such enlarged plan too expensive? Is there not so much machinery as to stifle the teachers' individuality? Neither of these objections is in the least valid. Statistics show that on an average less than two-thirds of our pupils of school age take advantage of school each day. Our outlay for plant, including cities, is more than one billion dollars, to say nothing of one-third that amount additional for maintenance each year. Compare the two-thirds efficiency with the vast investment and should we not, with the city, utilize the plant and maintenance more fully? Would business employ its capital at little more than sixty per cent of its capacity and be content? Would it not immediately call in overseers skilled to utilize that one-third that was being lost? No business to-day has better investment to offer than does supervision of schools hold before our people. Will not teachers' individuality be stifled? Not at all. Just as well say that railroads would be better run without organization; that Standard Oil owes nothing of success to its men in charge. Just as well might we do away with city supervision, and no one thinks of that. And we do not plead that the rural and small village child is so different unless such difference is to his advantage. It is not that he should have more but that he should have as much as his city cousin. Teachers would be a part of plans; supervisors would come in touch with them to advise, enthuse, stimulate. Where teachers are now so often uncertain as to what best to do, there would then be a confidence born of certainty. Before them would be brought and with them worked out plans along the various active lines before men-

tioned. Widened opportunities, lines of action based on real needs would give full chance for individual expression and expansion not now even thought of. Under just and full opportunity the rural boys and girls, in no way inferior material, will develop for society and the state large returns. Their education is a problem large. It must be solved, but solution is not alone for them but must be through them. Supervision discovers needs as they locally appear and suggests solutions. The child, aided by an aroused teaching force, encouraged by his parents, can then be trusted for results.

CHARITY FUNCTIONS OF THE PENNSYLVANIA COUNTY

BY ELLA F. HARRIS, A.B.,

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The evolutionary process by which the functions of the Pennsylvania county have changed from the simple duties of caring for all classes of dependents as paupers to the complicated machinery of the modern municipality, offers a very interesting study. In some parts of the state the old methods survive while in others there is little trace of the original system. The clash of the old system with changing local conditions has brought about this diversity. It will be impossible to trace this in detail, requiring, as it would, the individual history of almost every county in the state. From a general outline of the development, the student of individual county conditions will find an explanation of much that is obscure.

The first recorded divisions of the local government obtained when the Duke of York possessed the territory which now comprises the states of New York, Pennsylvania, Delaware and part of New Jersey. The Duke's "Book of Lawes" formed the legal basis of proceedings of the courts of this territory closely imitating the English system in the form of government.¹

Under the proprietary government of William Penn, the county became the most important unit of the administration, the town

¹ A High Sheriff, selected by the Governor from three nominees presented by the Justice of the last Sessions, was the chief officer of the riding. The people, by vote elected a Constable and Board of Overseers, the Constable serving for one year and the Overseers for two years, half returning annually. The Constables and Overseers were also church wardens and as such were responsible for the morals of the parish and for the care of the needy. Provision for the poor was made by the "town rate"—a tax for the support of local government as distinguished from the "public charge," the proceeds of which were applied to general maintenance, though levied in the same manner. By proclamation of General Andross in 1676 the Duke of York's laws were enforced in the three general courts along the Delaware, at Newcastle, Whorekill and Upland (Chester). ("Local Self Government in Pennsylvania," Vol. I, Johns Hopkins Studies, p. 25.) "These Courts had legislative as well as judicial powers and were entrusted with the enactment of laws affecting local matters, fixed rates for highway, the poor and other necessities, and selected the church wardens. These laws afforded a far greater degree of local independence than ever existed upon the Delaware before or afterward. They undoubtedly exercised considerable influence upon the institutions of the state, indirectly and even directly as some of the provisions were adopted by William Penn."

losing most of its political significance. The king's charter gave Penn the right to divide the country into towns, hundreds and counties, and to introduce the English system of manorial government. The real center of authority was the county court, which commissioned the officers who administered legal affairs and collected the tax for the poor as well as all other taxes of the county.

With the increase in population, the powers of the county court had to be distributed between the county and its subdivisions, the township, borough or municipality. In 1724, provision was made for three county commissioners to perform the duty which had previously rested upon the court of sessions. These commissioners held a court for trying appeals, had powers to proceed against delinquent collectors of taxes and to penalize the county treasurer and assessors if found guilty of neglect of duty. The subdivisions of the county were chiefly important as facilitating the collection of taxes.

No important change was made in the form of local government by the Revolution. Substantially the same system was adopted by the commonwealth as had been in force in the province.

At all times, the burden of caring for the poor pressed heavily on the taxpayers. Innumerable acts of assembly were passed to relieve conditions. In order to discourage the seeking of relief, all persons receiving aid from the county were forced to wear a badge with the letter "P" cut in red or blue cloth, as was the English custom. The act of 1771 (*Smith's Laws*, p. 332) proved the most satisfactory in dealing with the problem.²

² This act provided for the appointment of two overseers in each township by the justice of the peace with power to levy taxes for the support of the poor, and formed the basis for the present poor laws of the state. Where the poor are in charge of the township, the overseers must first obtain the consent of two justices of the peace before levying a tax, which shall not exceed one cent on the dollar. To determine the value of the taxable property in the township, the last county valuation was used. (*Beiller's Poor Laws*, p. 136.) Every means was taken to protect the township from imposters. Strangers had to bring certificates with them and householders who received a pauper or one who subsequently became such, were liable for their maintenance, unless they had given notice to the overseers within ten days after the arrival of the transient. Legal settlements could be gained in the following manner: by executing a public office for one year; by the payment of tax for two years; by taking a lease of real estate to the yearly value of £10 and dwelling upon the same for one year; by hiring a servant and continuing to abide in such service for one year in the same township. The removal of the poor from one district to another was restricted and one county could sue another for the maintenance and removal of paupers.

By local legislation prior to the Constitution of 1874,³ special provision was made for the erection of poor houses for an entire county and for the management of the same by a board of poor directors. New legislation was enacted June 4, 1879, which was intended to establish a general system for the relief and employment of the destitute poor throughout the state, its general plan or purpose being that each county should be or become a single poor district. The constitutionality of this legislation was at first doubted but has since been approved.⁴

To-day the county government in Pennsylvania is not one system, but the result of several. Beginning with the township system as now in force in New England, this unit lost its identity in the county. Nor can a consistent county system be said to have developed as it did in the South, for at a later period some of the county functions were restored to the township. Not all townships in the state are charged with the care of the poor. Early charters and local conditions have determined the responsibility for the care of the poor, without any uniformity throughout the state. In Philadelphia county, side by side with the Department of Public Health and Charities, with its numerous bureaus established to meet the needs of a modern municipality, there are five independent poor districts which levy a separate poor tax, maintain three almshouses and give outdoor relief according to the methods of two generations ago.

In spite of the centralizing tendency of the times, the care of the poor has remained a local function in Pennsylvania. The system is exceedingly flexible, permitting, within the political unit, specialization according to the population, but at the same time leaving the archaic methods untouched where local initiative has failed to adopt modern ideas.

Heretofore we have discussed the responsibility for the poor, without regard to the special classes into which dependents may be divided. In early times, all wore the letter "P" who were supported by funds raised from taxation, whether they were poor, insane, defective, sick or helpless because of infancy. The state owes these wards far different consideration from that bestowed by the overseers of the poor upon all classes alike. This differentiation of care will be illustrated in the following sections:

³ Trickett, *Pennsylvania Law of Townships*, p. 67.

⁴ *Rose vs. Beaver Co.* 204, Pa. 372.

Outdoor Relief

The Acts of Elizabeth formed the models for poor relief during the proprietary government. Dependents and prisoners were boarded in families, there being no need to establish the almshouse system as developed in England.

In 1705 a system of public outdoor relief was established which still survives in every county in the state. The number cared for in this way far exceeded those in almshouses and hospitals. One poor district, that of Philadelphia, has realized the disadvantages of this system. In 1859, because of the protest of the taxpayers that they were supporting at least 1,000 able-bodied men and women, the appropriation for outdoor relief was cut down. A committee was formed to provide some means by which the charities of the city might be protected from the countless impositions practiced upon them. These agencies were affected by the inefficiency and corruption which influenced the outdoor relief, as distributed by the guardians of the poor. The report, published in 1878, goes on to state:

The public has but slight acquaintance with their work and no sympathy for it.⁵ They are regarded with more or less distrust, which is often based on ignorance and makes no allowance for the peculiar legal embarrassments they encounter, such as their obligation to provide for all who come to them without visible means of support. The best of the officials intrusted with the management of the system would, we are assured, be glad to find the people of the city showing some sense of responsibility for their work, and helping to set them free from such a legal subjection to imposture by a complete system of voluntary visitation and inquiry.

The committee undertook to establish a new organization which was known as The Philadelphia Society for Organizing Charitable Relief and Repressing Mendicancy, to make public and private relief in the city more efficient. This new society was strongly opposed by the officials. In order to throw upon it an impossible burden, the appropriation for the overseers of the poor, who had controlled from \$50,000 to \$75,000 yearly, was cut off. By thus embarrassing the new society, the overseers hoped to cause such suffering among the poor and force so many of them into the almshouse, that the public would demand the restitution of outdoor relief. Far different results followed. There was no great increase

⁵ Devine, *Principles of Relief*, p. 301.

in the demands made for relief on the private societies and the population of the almshouse actually decreased. Since that time no attempt has been made to restore public outdoor relief in the form of providing food, groceries and clothing. The only outdoor relief now maintained in the city is the service of fifty physicians for the care of the poor in their homes and the provision for medicine for these patients without charge. The other poor districts in Philadelphia county have continued giving outdoor relief. In spite of the unnecessary drain on the resources of the county, which the care of these dependents involves, very little change has been made in the method of dealing with them. In the poor districts throughout the state there was an increase of .028 per cent in the number of those given relief as compared with 1910. In the former year 37,763 were so aided. The causes of destitution given by the overseers of the poor were as follows:

Permanent disability.....	21.90
Death, absence or desertion of father.....	14.73
Temporary sickness or want of work.....	40.29
Intemperance.....	2.03
Insanity, idiocy and feeble-mindedness.....	1.24
Want of work.....	19.81

Vagrants

The aid given vagrants can best be discussed under the head of public outdoor relief, as in some counties they are given meals and lodging outside of almshouses, while in others they are housed with the paupers. In order to do away with the evils attendant upon the giving of excessive outdoor relief, a workhouse was built in 1712 to which tramps were to be sent. At all times the almshouse contained many able-bodied men and women, some of them non-residents. During the Civil War the steward of the Blockley almshouse reports that the high prices paid to shoemakers for army shoes takes nearly all of the men out of the almshouse. The state board of charities reported that in 1876, forty-two per cent of the whole number of those admitted to the almshouse were able-bodied persons. To overcome this situation the act of assembly creating the house of correction in Philadelphia provided that "It shall be the duty of the managers of Blockley almshouse to transfer within twenty-four hours after entrance into said almshouse, all able-bodied

paupers, adults or minors, except such as it may be necessary to employ in the service of said almshouse."⁶ Various poor districts cared for 19,286 vagrants in almshouses during 1911⁷ and 5,925 by outdoor relief. No record is kept of those given lodging in jails and police stations of cities, or those assisted by townships outside of almshouse districts. Transportation was given to 667 of this army of vagrants.

The "passing-on" system is used by the majority of county officials. Usually this consists in providing a railroad ticket which will take the vagrant over the county line, but in cases where the applicant for free transportation claims to be ill, he may be sent to the nearest point where there is a large hospital. The transportation agreement binding those charged with the duty of caring for transients to send none to their destinations without full investigation and a through ticket, has been signed by a number of the private charitable agencies throughout the state, but the Department of Public Health and Charities in Philadelphia is the only public relief agency to abide by its terms. The menace to life and property which this horde of vagrants is, at all times, would seem to demand that the state have power to regulate and control the movements of vagrants and not leave them to be dealt with by local authorities on the basis of self-interest.

The Sick

The first almshouse built in Pennsylvania in 1730 was established to care for the sick and the insane. The guardians of the poor were not only charged with the care of sick paupers, but with public health and the control of contagious diseases.⁸

The power of the local authorities was further extended by the act of 1816.⁹

⁶ *Report of State Board of Public Charities* (1911), p. 252. Act of June 2, 1876, P. L. 1301.

⁷ *Report of Board of Public Charities* (1911), p. 253.

⁸ During the yellow fever epidemic in 1793 Mayor Clarkson called for volunteers to relieve the Guardians of the Poor. Among those responding were Stephen Girard and Peter Helm, a Moravian. The Guardians refused to accept victims in the almshouse and most of them were sent to Bush Hill. But the plague invaded the almshouse and spread to all parts of the City. During the height of the epidemic the visits of the Guardians to the almshouse were not frequent, but the Steward and medical staff never deserted their posts. (Lawrence's, *History of Philadelphia Almshouses and Hospitals*, p. 41.)

⁹ This act provided that "It shall be lawful for the Guardians of the Poor of the City of Philadelphia to remove all persons infected with smallpox to the

In the smaller county homes and hospitals, the care of the sick is a matter of almshouse routine, with infrequent medical attendance, little nursing attention and no isolation of those suffering from chronic diseases from inmates in good health. Patients bear the stigma of having been in the almshouse, and the traditional disrepute of almshouse management clings to all hospitals run by overseers or commissioners, whether still deserving of this disrepute or conducted according to modern methods.

With the establishment of local boards of health in cities of the second and third class, the duties of overseers in regard to public health became divested.

The State Board of Health was established in 1885¹⁰ to have general supervision of the interests of lives and health of the citizens of the commonwealth and to study especially its vital statistics. In cities, boroughs, districts and places having no local board of health, or in case sanitary laws in places where boards of health exist shall be inoperative, the state board has authority to order nuisances to be abated and to enforce quarantine regulations. It is the duty of local health officers to make reports to the state board and to make such sanitary investigations as are requested. The division of responsibility between the state and local health officers is well illustrated by the campaign to control tuberculosis. The only local care afforded the bedridden consumptive, who has neither money nor strength to travel to the state sanatorium, is the almshouse, there being very few private hospitals which receive such patients. The State Department of Health was given \$2,600,000 by the legislature of 1911 to be spent in the prevention and care of tuberculosis. Two state sanatoria are maintained and 114 dispensaries in all parts of the state, with a staff of physicians and nurses. To fill in the gap between state and local care, an effort is being made to give single or two or more contiguous counties the right, upon petition of their qualified voters, to decide, at a general election, upon the question of erecting a local tuberculosis hospital and the issuing of bonds for the purpose.

Originating in the conception that the care of the sick and public hospital of the Board of Health in Penn Township and use and occupy such part of the buildings belonging to the hospital as may be required for the accommodation of such poor sick patients, together with their nurses and attendants taking care to prevent damage being done to the same." (Act of 1816, P. L. p. 35.)

¹⁰ P. L. 1885, p. 36.

health generally was not a matter of public control, but the concern of private citizens with philanthropic motives, a system of subsidies to private hospitals became embodied in the state policy.

"At the present time there is no scientific basis on which the amounts appropriated these different classes of institutions or to the different institutions in each class are apportioned. A small local hospital in the northern tier of counties sometimes received a larger appropriation than a state-wide agency caring for hundreds of beneficiaries most of whom would otherwise be a charge on public funds. One of the thirty-five general hospitals in Philadelphia under private management received a larger appropriation from the last legislature than was given the Eastern penitentiary."¹¹

While the state maintains only ten small hospitals in the mining regions chiefly for the care of injured persons, the legislature of 1911 appropriated \$5,441,300 to general and special hospitals under private management and control.

"We are not ready and cannot afford as yet to dispense with private benefaction in the maintenance of hospitals.¹² But we have been ready for some time to recognize the new state of the public mind which has now crystallized into a belief that the public health is essentially and of necessity a matter of vital public concern; that the control of hospitals is a proper governmental function and, as such, that no institution, whether publicly or privately supported, should be allowed to exist without the public, through its properly constituted officials, knowing exactly what is going on therein—its resources, its equipment, its efficiency and the service which it renders, or fails to render, to the community in which it is situated. This new public consciousness likewise realizes that hospitals should be developed and maintained only in accordance with demonstrated community needs and not otherwise."

The Insane

In searching for an historical precedent upon which to base a programme for the care of the insane to-day, any of the political divisions of the state, or the state itself, may be cited as responsible,

¹¹ Proceedings of the Fourth State Conference of Charities and Corrections, Wilkes-Barre, Pa., *State Appropriations to Private Charities*, 1912.

¹² *Report of the Committee on Municipal Charities of Philadelphia* (1913), p. 83.

according to the period used for illustration. The Duke of York's laws contained a statute regarding lunatics:

That in regard the conditions of distracted persons may bee both very chargeable and troublesome, and so will prove too great a burthemen for one towne alone to beare, each towne in the rideing where such person or persons shall happen to bee, are to contribute towards the charge which may arise upon such occasions.

The first public recognition of insanity as a disease came in 1752 with the opening of the Pennsylvania Hospital in Philadelphia. This was a private institution, however, and had little effect on the care of the indigent insane. They remained in asylums connected with the almshouses and were associated with the poor. The care given was purely custodial. The legislature in 1841 had passed an act¹³ providing for the erection of a "public asylum for the reception and relief of the insane of this commonwealth as soon as conveniently may be." But nothing was done until Dorothea L. Dix, after visits to the asylums and almshouses throughout the state, presented a memorial to the legislature, exposing the cruel and inhuman treatment of the insane. As the result of this memorial and the public opinion which it aroused, funds were provided for the erection of the Pennsylvania State Lunatic Hospital and Union Asylum for the insane, which was opened in 1851 at Harrisburg. So we see that the township, the county and the state had, in turn, assumed responsibility for the care of the insane. It is well to note that by act of assembly of 1854, the county from which a patient comes was charged with the maintenance of said patient committed to the state institution by order of court.

The state continued the policy of building hospitals. In 1856 the hospital for the insane at Dixmont was transferred to the state, having been a private hospital up to that time. Danville was opened in 1872 and the state hospitals at Norristown and Warren were opened in 1880. The state has been divided into five districts, each served by one of these hospitals. The asylum at Wernersville, completed in 1890, is used by all of the hospital districts for the treatment of the chronic insane.

The accommodations for the insane provided in these state hospitals were not adequate and local poor boards continued to care for the insane in almshouses and asylums rather than to pay

¹³Act of March 4, 1841, P. L. 57.

the maintenance fee required by the state institutions. The situation was reviewed by a commission appointed by the governor in 1882. This commission found that the county authorities had utterly failed to handle the problem of the insane. They were still cared for locally as mere custodial cases. To continue this inadequate provision for cases amenable to proper treatment was considered criminal, in view of the advances of medical science, and in psychiatry. Inhuman methods of restraint were still practised in almost all of the almshouses. By the recommendation of this commission, the state lunacy law¹⁴ was passed, which provided for a committee on lunacy as a part of the State Board of Public Charities. By removing to the state hospital those insane who were neglected and abused in local almshouses and jails and by supervising those permitted to remain in the care of the local authorities, this committee was able to raise the standard of care. But the provision made for the insane in the state hospitals did not keep pace with the increased ratio, which has been gaining on the increase in the population. Moreover, the increased cost of maintaining the insane under the new standards proved too great a burden for some poor districts. After studying the situation throughout the state, as well as methods used in other states, the committee on lunacy established a system which later became known as "county care." By act of assembly in 1897¹⁵ it was provided that the several counties might care for their own chronic insane, the state sharing the expense by paying a certain sum per week for the maintenance of such cases. Buildings must be erected according to plans approved by the Board of Public Charities, and the committee on lunacy has supervisory powers to license them and to receive patients. No transfers or discharges can be made without the consent of the committee. By this method the state came to the financial assistance of the counties. Formerly the entire cost of maintenance was charged to the county where the patient had a legal residence. Now each county pays \$1.75 per week for each of its patients in the state hospital, while if the county takes care of its own insane under the county care acts which were re-enacted in 1909, the state pays \$2.00 for each patient. In 1910, twenty counties were caring for their insane under these acts. There is

¹⁴ Act of May 8, 1883, P. L. 21.

¹⁵ Act of May 28, 1897, P. L. 83.

a wide difference of opinion in this state as to the results of this system. A commission appointed in 1907 declared¹⁶: "while it was not within the line of duty of this commission to inquire into the condition and management of the county insane asylums, of which there are twenty, and therefore will not go into details with regard thereto, at the same time, the expert testimony called in other matters alluded to this method of the care and treatment of the insane. Basing, therefore, our judgment upon this testimony and from our personal knowledge and information obtained from others, we are of the opinion that these county institutions, with the exception, perhaps, of those located in the larger counties, Philadelphia and Allegheny, should be abolished, and all inmates removed therefrom to state institutions."

The committee on lunacy¹⁷ endorses this system and is doing all it can to induce the remaining counties to erect suitable buildings and to equip hospitals for the treatment of the insane. There would seem to be no question of the humanity of keeping the chronic insane near home, where they may be under the supervision of friends and relatives. It gives an opportunity for the parole of harmless chronic and improved cases in their own homes, which cannot be done by the big state institutions. It is probable that the "county care" act originally contemplated provisions for the chronic insane only. This result has not been consistently worked for. The state hospitals provide for many chronic insane, while some of the county hospitals have the equipment and nursing force required for the treatment of acute cases. The cost of maintenance in the state institution is higher than in the county hospital. In 1910, the rate per capita was \$4.25 per week at Harrisburg and Norristown, \$4.33½ at Danville, \$4.35 at Warren, with a maximum of \$4.56 at Dixmont. Many counties lose money by operating under the county care act. The cost per capita in Philadelphia county is \$3.91. Of this sum, the state contributes \$2.00, while if patients were sent to the state hospital at Norristown, the county would only be charged \$1.75. In 1910, the state hospitals were caring for about 9,000, while 7,000 of the insane were in almshouses and county asylums, operating under the "county care" act. Another attempted solution of the difficulty is seen in the act¹⁸ passed by

¹⁶ Legislative Committee to Investigate Charitable Institutions, p. 74.

¹⁷ *Report of Board of Public Charities* (1910), p. 390.

¹⁸ Act approved June, 1911, P. L. 855.

the legislature in 1911, in order to encourage the establishment of observation wards in certain hospitals which provides that "the trustees or managers of any hospital maintaining medical and surgical staffs in which courses of lectures on mental diseases open to medical students are maintained, with the consent and approval of the Board of Public Charities, may establish psychopathic wards for the reception and treatment of persons suffering with mental diseases. Each hospital maintaining a psychopathic ward shall be entitled to receive from the commonwealth the sum of \$2 per diem for each day during which each indigent person received in such ward under the provisions of this act shall be cared for and treated therein." Up to the present time only one hospital has availed itself of this act, St. Joseph's Hospital in Pittsburgh.

No logical system for the care of the insane has been worked out in the state. There is no state department which has real power to enforce the standard of care. State hospitals, county asylums, almshouses, jails and psychopathic wards of hospitals may care for the insane in any manner that they see fit. The burden of support rests unequally upon state and local institutions, and what policy the state will adopt in the future is a matter of uncertainty.

Defectives

The class most deserving of care and such training as they are capable of, defectives, have fared poorly at the hands of county and state. All advances in the care of the deaf, blind, feeble-minded and epileptic have been due to the interest of the state and not that of the local authorities. The first of these groups to receive attention was the deaf. In 1821 the Institution for the Deaf and Dumb at Mt. Airy was established. Although managed by a private board of directors, five hundred pupils out of a total of five hundred and thirty are maintained by the state.¹⁹ The oral method of teaching is used in this institution as well as two other schools for the deaf at Scranton and Philadelphia, the latter taking children before they are of school age, in order to train them to speak and understand sufficiently to go to school with hearing children.

Provision for the training of the blind has been made in two schools at the western and eastern ends of the state as well as by state appropriations to private homes.

¹⁹ *Report of State Board of Charities* (1911), p. 203.

Although the deaf and blind are to be found in almshouses, they are largely cases where the defect has developed too late in life to make training effective or necessary.

For the feeble-minded and epileptic, no such adequate provision has been made by the state. The Pennsylvania Training School for Feeble-minded now at Elwyn was opened in 1854 and is a semi-state institution. It was not until ten years later that an ordinance of councils provided for the removal of 112 feeble-minded children from the Philadelphia almshouse to this institution. Some of its pupils are supported by the state while others are boarded by county commissioners and overseers. Two large state institutions are maintained for the feeble-minded and epileptic, one at Polk, accommodating 1,600 and the other at Spring City, with a present capacity of 500. The fact that in 1911 there were 1,306 epileptics in institutions not fitted to care for them, such as almshouses, insane asylums and jails, together with 2,595 feeble-minded similarly cared for, indicates to what extent these classes have been neglected.²⁰ The policy of state care for defectives has been consistently carried out with one exception. In 1911 the legislature appropriated \$200,000 toward a Philadelphia institution for feeble-minded at Byberry, intended to care for imbecile and moron types. This departure from the state's policy is not advocated by the commission on the segregation of the feeble-minded, which recommends²¹ "the passage of an act defining insanity and feeble-mindedness as forms of mental unsoundness and placing all indigent mental defectives under the care of the state, especially under the supervision of the committee on lunacy, especially requiring reports to be made of all persons committed by the courts and detained in these institutions."

Children

During the provincial government, it was the custom to keep orphans and deserted children in the almshouses until such time as they were able to work. Under the poor law of 1771,²² the members of the almshouse committee, with the consent of the overseer of the poor or two or more of the magistrates, might apprentice

²⁰ *Report of the Commission on the Segregation, Care and Treatment of Feeble-minded and Epileptic* (1913), p. 16.

²¹ *Ibid.*, p. 55.

²² 1 Sm. L. 332.

poor orphans, males under twenty-one, females under eighteen. This was rather a recognition by the law of an established custom than an innovation in the care of children. In Philadelphia a visitor of children was appointed in 1781, thus relieving the overseers of this work. As early as 1804, a private institution for the care of children was established by the Orphan Society of Philadelphia, but it was not until the year 1883 that the necessity of separating children from the almshouse group received state-wide recognition by the passing of an act of assembly²³ which provided that "it shall not be lawful for the overseers or guardians or directors of the poor in the several counties, cities, boroughs and townships of this commonwealth to receive into or retain in any almshouse or poor house, any child between two and sixteen years of age, for a longer period than sixty days, unless such a child is an unteachable idiot, an epileptic, a paralytic, or otherwise so deformed as to render it incapable of labor or service."

It was fortunate that the Children's Aid Society of Pennsylvania had been established in 1882 and incorporated in the following year, as it became the most important agency in facilitating the removal of the many children in the almshouses of the state. This new law necessitated a conference between the Children's Aid Society and the guardians of the poor of Philadelphia, in which an offer was made to take children, and put them into private homes where they would be visited and supervised by the society. The offer was accepted for all children not Roman Catholics, and \$1.75 per week agreed upon as compensation. In addition the society authorized the president to open negotiations with the county directors of the poor in other parts of the state, and offered to start local children's aid societies, which should take care of the almshouse children of those counties. In 1883, the convention of directors of the poor framed a resolution commending this work of the Children's Aid Society.

"Public meetings²⁴ in the interests of the children of the almshouses have been held in Chester, Northampton and Franklin counties. In all of these counties the warmest response has been made to the call for help in rescuing children from almshouses, and local committees have been formed to find homes, supervise

²³ Act of 1883, P. L.

²⁴ *Second Annual Report Children's Aid Society* (1884).

and visit the children placed out, these committees acting as agents of the boards of overseers.

"The directors of the poor of Chester county have acted wisely in voting to allow a fair compensation for the board of children, feeling sure of the approval of all taxpayers, in so doing.

"At Northampton a meeting of ladies of high social position, as well as the most active charity workers of that county, moved by the needs of the poor, voiceless little ones, met and founded a children's aid society as auxiliary to the Philadelphia one. Since that time all the children have been placed out either in permanent homes or boarding houses and are doing well. It is to the credit of these directors that they furnished every child that came from the almshouse with a good suit of clothes."

Twenty-seven counties have now accepted the Children's Aid Society as their agent for the care of dependent children. In the other counties nearly every possible method of caring for children is represented in the courses chosen. Where the township system is in use, the few dependent children are placed out by adoption or indenture, by the overseers themselves. Several counties have built homes for the children, an expensive method, with no merit so far as the favorable situation of the children is concerned. Some of the overseers place the children in institutions, while others use private homes to some extent, controlling and supervising the children themselves. In an investigation by Mr. Homer Folks, of the placing-out work done by overseers of the poor, he found that the overseers, in replying to questions regarding the supervision of children so placed, did not understand what supervision implied.

"We do not believe that the directors of the poor, men of personal worth but of many business and political cares, are best fitted to the business of placing out children. In this work they make no reports to the heavens above or to the earth beneath and they keep very few records.

"This system of irresponsible placing out by men unaccustomed to such work is radically wrong. A work involving such responsibility and in which so much is to be learned by experience should be placed by statute in the hands of some central authority, or at least be guarded by a system of careful inspection by some higher power."²⁵

²⁵ *History of Child Saving in the United States*, p. 144.

But the presence of children in the almshouses of Pennsylvania is not a thing of the past, in spite of the act of 1883. According to the Report of 1911,²⁶ agents of the State Board of Charities on their visits of inspection found 373 children in almshouses, ninety-five of whom were sound in mind and body and had been in the institution more than sixty days, in violation of the law.

The State of Pennsylvania, without taking any part in the care of dependent children or controlling institutions for children, gives large sums for their care. The legislature in the session of 1911 appropriated \$306,700.00 to non-sectarian institutions for dependent children. The State Board of Charities visits these institutions and bases its subsequent recommendations for state aid on such visits, but exercises no control over the expenditure of the money or the admission and discharge of children.

Originating in the humanitarian work of the church warden, the charity functions of the Pennsylvania county have developed specialized lines, many of which have passed from local control. The county, by local taxation, still supports in great measure the poor, the sick, the insane and defective but looks to the state for standardization of method and official supervision.

²⁶ *Report, Board of Public Charities* (1911), p. 252.

ADMINISTRATION OF LOCAL TAXATION IN OHIO¹

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The problem of reform in general property taxation—the problem of improved methods of assessment and of limitation upon the tax-rate—is a question which concerns principally the corporations of local self-government. The functions of assessment and primary equalization are performed almost universally by officials chosen by the electorates of these local districts; and the revenue from the tax on property constitutes the sole or chief important source of revenue for purposes of local government. Moreover in Ohio this revenue is now left almost entirely to the local communities; for the state levy, except for common schools, university and normal school purposes, has been omitted since 1902; and the proceeds from the levy for the common school fund—over twice the amount for the other two funds—are re-distributed among the local districts to be expended by the school boards. Therefore it falls properly within the field of a study of local government to examine the changes in tax administration that have been recently adopted in Ohio, and to indicate the present problems and the proposals for further reform which they have evoked.

The history of the general property tax in Ohio may be briefly sketched. From 1803, the year in which Ohio was admitted as a state, until 1825, the main source of revenue for state and local purposes was the land tax. This tax was levied only by the state, but a part of the revenue therefrom was appropriated by the state to the counties. In practice, the tax being paid into the county treasuries, the shares of the various counties were retained by them before the state's shares were paid into the state treasury. The work of assessment and collection of this tax was performed partly

¹ In the preparation of this article the writer has been indebted to Professor O. C. Lockhart, of Ohio State University, for many valuable suggestions and corrections. Assistance has been derived, in the historical statements, from Professor E. L. Bogart's "Financial History of Ohio" (vol. i of the University of Illinois Studies in the Social Sciences); and, in the explanation of the present tax system, from the second annual report (1911) of the Tax Commission of Ohio.

by specially appointed state officials and partly by county authorities. In 1825 the tax was applied to certain forms of personal property and was levied by the counties as well as by the state. The classes of personal property to which the tax applied were subsequently gradually extended. In 1846 the general property tax was established, with general levies by both state and local authorities, and has been levied regularly since then. As the financial needs of the state government expanded, special business taxes were introduced from time to time since the early sixties, and have constituted important sources of revenue since the nineties. Since 1903 these business taxes have produced the major portion of the state's income. For in the preceding year the state legislature omitted the state levy for general revenue. To make good this loss the special taxation of corporations was strengthened and extended. The "Cole Law" of 1902, consolidating and extending previous laws imposing excise taxation, provided for an annual excise tax of one per cent upon the gross earnings, from operations within the state, of steam, street, and interurban electric railways, and applied a similar tax to the gross receipts, from business done within the state, of other public service corporations enumerated in the act.² The gross receipts and earnings were ascertained by an *ex officio* state board upon the basis of reports made to the state auditor, and the tax, collected through the office of the state auditor, devoted exclusively to state purposes. The real estate and personal property of the corporations were left subject to the regular property taxation for state and local purposes.³ By the "Willis Law" of 1902 a franchise tax was levied upon all domestic and foreign corporations, other than public utility corporations. For domestic corporations this tax is one-tenth of one per cent upon the

² The enumeration and definitions comprise the following: electric light, gas, natural gas, pipe line, waterworks, heating or cooling, water transportation, express, telegraph, telephone, messenger or signal, and union depot companies.

³ In 1894, sleeping-car, freight-line and equipment companies were subjected to an excise tax of one per cent upon the value of the proportion of capital stock, representing capital and property owned in this state; this value being determined by the proportion of capital stock representing rolling stock, which the miles over which the company runs cars in this state bear to the entire number of such miles. This tax was assessed and collected through the same agency as for other public utilities, and the proceeds used exclusively for state purposes. Since 1893 foreign insurance companies have paid a tax of two and one-half per cent upon the gross amount of premiums on policies within this state, deducting the amount of returned premiums and considerations received for re-insurance. This tax is collected by the superintendent of insurance for the state treasury.

amount of subscribed, or issued and outstanding, capital stock, and for foreign corporations the same rate is assessed upon the proportion of their authorized capital represented by property and business in this state.

We may now briefly describe the administration of the general property tax as it was before the reforms of the last four years. Since 1861 real estate had been assessed decennially by assessors elected every tenth year for that purpose, by townships and wards. Changes in the assessment might be made annually, in connection with the assessment of personal property, in specified cases—chiefly in the case of real property which became subject to taxation, or new structures which were erected, or in the case of destruction of property, since the preceding decennial assessment. The decennial assessment was revised (for real estate outside of cities) by the decennial county board of equalization, composed of the county auditor, the three county commissioners, and the county surveyor. Equalization of this valuation among the several counties, cities and villages, was made by the decennial state board of equalization, composed of one member from each state senatorial district elected every tenth year; the state auditor was *ex officio* a member of the board. Personal property was—as it still is—assessed annually by biennially elected assessors, one for each election precinct in townships and one for every ward in municipalities which are divided into wards. Revision of this valuation for property outside of cities is made by the annual county board of equalization composed of the county auditor and county commissioners. Revision of assessments of both real and personal property in cities is made by city boards of review (created in 1901, in place of the former annual and decennial city boards) composed in each city of three freeholders of the city, appointed for five years by an *ex officio* board of state officers; the county auditor acts as secretary of each of these boards in his county.

For several decades prior to the recent reforms it had been felt that corporate wealth and other forms of intangible property were not sustaining their proportionate burden of taxation. It was sought, from time to time, to remedy this condition in two ways: by establishing special methods of assessment for the property of corporations, and by introducing special taxes upon the business of corporations. Special methods of assessment for cor-

porate property had been introduced through various laws. Thus the property of steam and interurban electric roads (except real estate not used in the daily operations of the roads) was assessed annually by boards composed of the auditors of the counties in which the companies owned tracks or roadway.⁴ These amounts were equalized among the counties by an *ex officio* board of state officers. The resulting valuation was then apportioned among the counties through which the roads extended, on a basis fixed by law. Another *ex officio* state board determined the value of the property in Ohio of express, telegraph, and telephone companies, and after deducting the value of real estate in Ohio, apportioned the resulting valuation among the counties and other taxing districts, upon a basis defined by law.⁵ In the case of every other incorporated company (except banks) the valuation of personal property and real estate necessary to the daily operations of the company was determined by the county auditor upon the basis of a detailed statement submitted by the officers of the company. The auditor, after adding the valuation of real estate and fixed property of the company, apportioned the total valuation among the respective taxing districts of the county upon a basis defined by law.

The evils of the system of assessment outlined above became more and more obvious in recent decades. They may be briefly summarized. First, there may be mentioned the complicated system for assessment and apportionment of corporate valuations. The property of public utilities and other corporations was valued by a variety of boards and apportioned upon a variety of bases. Secondly, there was the decennial appraisalment of real estate. Throughout ten years real estate, which normally increased steadily in actual value, and with special rapidity in most cities and towns, remained at the same figure on the tax list. A third evil existed in connection with the assessment of personal property. The evil here was the almost universal tendency to undervaluation and concealment, and it has come to be regarded as hopeless to look for an effective cure for this evil as long as the system of assessment by locally selected assessors remains. These assessors owe their positions to the people from whom they are expected to secure full and

⁴ This method was established for steam railroads in 1862, and for suburban and interurban electric roads in 1904.

⁵ This board, created in 1893, was composed of the state treasurer, attorney-general and auditor.

true returns of personal property. Moreover, a consequence of the general undervaluation of property, resulting particularly from the infrequent assessment of real estate and from the inadequate assessment of personal property, was that the local authorities were compelled to increase the tax rates in order to obtain sufficient incomes to meet the growing expenditures of local government. This increase in the tax rate reacted again upon the tendency to undervaluation: property if returned at its true value could not have sustained the high tax rates.

We may restate the difficulties with special reference to their effect upon the local communities. These communities are faced with steadily expanding expenditures, on the one hand, and, on the other hand, with the difficulty of securing a true and just assessment of property as a basis for obtaining revenues to meet these expenditures. The remedies which have been proposed are as follows: a more frequent assessment of real estate; a limitation of the total tax rate in order to encourage full and correct returns of property; a single central tax commission to assess the property of public utilities and corporations, and to revise local assessments; publicity of local assessments; the separation of state and local revenue—in particular the abolishment of the state general property tax in order to leave that tax to the local communities and to remove the inequalities among the localities in their respective contributions to the state revenue; the abrogation of the constitutional requirement of uniformity, in order to permit the classification of property for the purposes of taxation; the substitution of appointive for elective assessors, in order to remove these officials from local political responsibility.

To consider these conditions in the tax system and to recommend measures of reform a special commission was appointed in 1906. This commission, reporting in 1908, made the following specific recommendations: First, that the section of the constitution (art. 12, sec. 2) requiring the taxation "by a uniform rule, [of] all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and also all real and personal property according to its true value in money," be so amended as, first, to give the legislature freedom in taxing franchises, stocks, bonds, mortgages, and other forms of intangible property; and, secondly, to rescind the requirement of uniformity, thus enabling the legis-

lature to classify property for purposes of taxation. Secondly, the establishment of a state board of three members to be appointed by the governor; this board to administer the laws for the assessment and collection of state revenues, and to make recommendations from time to time upon the general subject of taxation. Thirdly, a more frequent appraisement of real estate. Fourthly, the abolishment of the state levy upon real and personal property, and the complete separation of state and local revenue. Fifthly, authority to be given to local communities to secure publicity in taxation in such manner as they shall deem best.

We may now consider the laws that have been enacted to accomplish certain of these reforms. First, a law providing for quadrennial appraisement of real estate, and making minor changes in the method of selecting assessors of real estate, was enacted in 1909. Under this law assessors of real estate outside of cities are elected quadrennially, one for each township and village. In cities, assessment of real estate is made by boards of three, or five, members quadrennially elected at large for each city on independent non-partisan ballots. The appraisement of 1910 was made under this law. For the cities the change produced improved results, the election of assessors at large having eliminated competition in undervaluation between representatives of different sections of the city. But outside of cities, the assessment being still made by assessors elected by townships and villages, no lessening of the tendency to inequality and undervaluation was observed. Moreover, the revision of the appraisement in villages and townships being made by county officers (no change having been made in the county board of equalization) in the early part of a year in which the county elections occur, their work of equalization is liable to be subject to the influence of the desire on the part of these officers for re-election. It has, therefore, been suggested that if this method of assessment and equalization be continued the work should fall in a year when the county officers concerned are not to be elected.

Secondly, an act setting definite limitations to the tax rate was passed in 1910, and amended in 1911. In the first place, the maximum aggregate of taxes which may be levied in any taxing district for all purposes, exclusive of levies for sinking fund and interest purposes, may not in any one year exceed ten mills. From this limitation and from the name of the author of the bill this act

is known as the "Smith One Per Cent Law." In the second place, taking the total amount of taxes levied in 1910 as a basis, the maximum amount of taxes that may be raised in any succeeding year must bear a fixed relation to that basis as follows: the maximum amount raised in 1911 shall not exceed that basis; the amount for 1912 shall not exceed that basis by more than six per cent; for 1913, by more than nine per cent; and for any year thereafter, by more than twelve per cent. Here the levies for interest and sinking fund purposes, and for emergencies, are not included. In the third place, by vote of the people, the rate may be increased to a maximum for all purposes of fifteen mills; and in this case the successive limits as to amounts that may be raised in relation to the 1910 basis do not apply. Finally, within the aggregate limits, the different taxing districts are specifically limited, in order to prevent any one district from consuming more than its proper share of the total amount available. These "interior limitations" are as follows: the county taxing authority may not exceed three mills for county purposes; municipal corporations may not exceed five mills for city or village purposes; the township, two mills; and for local school purposes, the rate shall not exceed five mills. "Such limits for county, township, municipal and school levies shall be exclusive of any special levy, provided for by vote of the electors, special assessments, levies for road taxes that may be worked out by the taxpayers, and levies and assessments in special districts created for road or ditch improvements." A budget commission is established by the act⁶ to adjust annually these limitations among the various districts. This commission is composed of the county auditor, the mayor of the largest municipality in the county, and the prosecuting attorney of the county. The taxing authority of each district submits to the auditor an annual budget setting forth in itemized form the estimates of money needed for the ensuing year, with other facts as to the state of the several funds, annual expenditures from each fund for the last five years, amount of money received from other sources during those years, with estimate of probable amount to be received during the ensuing year from such sources, state of the bonded debt, and such other information as the budget commission may require. The auditor lays these budgets before the commission, with his estimate of the amount of money to be raised for state purposes in each

⁶ As amended in 1911.

taxing district. The commission then examine the budgets and the auditor's estimate, and if they find that the total amount proposed to be raised in any tax district, for state, county, township, village and school district purposes, exceeds the authorized amount for that district, they must adjust the various amounts to be raised so that the total shall not exceed in any district the sum authorized to be raised therein. In making this adjustment they may reduce any or all items in any budget, but may not increase the total or any item; they must reduce the estimates in any budget by such amounts as will bring the total for each district within the limit provided by law.

The third reform is embodied in an act of 1910 (amended in 1911) creating the permanent state tax commission. This commission is composed of three members appointed by the governor for terms of three (now six) years. In this body, in the first place, is consolidated the work of assessing the property of public utilities, a work formerly performed by the *ex officio* boards of county auditors for assessing the property of railways, and the *ex officio* state board for assessing the property of express, telegraph, and telephone companies, these boards being now abolished; and the work of assessing the property of other public utilities is transferred from the county auditor to the state commission. In the second place, the assessment and collection of the excise taxes upon public utilities, and of the franchise tax upon corporations, is transferred to this commission.⁷ In the third place, the task of central equalization is put upon this commission, the elective state board of equalization for real property and the other *ex officio* state boards of equalization being also abolished. In its work in connection with the assessment and taxation of public utilities the commission is vested with effectual powers of investigation and prosecution, and for its work of equalization it possesses extensive powers of correcting errors, inequalities, and omissions in local assessments; for this latter purpose it has power not only to equalize the work of the several assessing districts but it may increase or decrease the aggregate in each

⁷ The law established differentiation in the rates of excise tax paid by these utilities, by substituting for the uniform rate formerly applying to all, the following rates: for railroad and pipe line companies, 4 per cent; for express and telegraph companies, 2 per cent; for the other companies, 1.2 per cent. It also increased the franchise tax upon corporations from $\frac{1}{10}$ to $\frac{3}{20}$ of 1 per cent.

The tax on foreign insurance companies is still administered by the superintendent of insurance.

district or of any class of real property separately assessed and listed, and may order reassessment in any district. Finally, the commission is required to recommend to the governor and general assembly such changes as in its opinion should be made in the tax laws of the state.

The state tax commission has performed effective work in all spheres of its duties and its services have demonstrated beyond question the value of such a central agency, with respect to its work both in supervising local equalization and in securing returns from public utilities. In 1911, in the revision of local appraisalment, it ordered re-appraisalment in certain villages and townships; it required the re-convening of several quadrennial county boards of equalization and city boards of review in order to compel them to complete the work of equalization of real estate within their respective jurisdictions; in several cases it ordered the re-convening of budget commissions in order to compel them to adjust levies found to be in excess of the legal limits; it summoned county auditors and members of city boards of equalization in small groups, and discussed with them the assessments in their respective districts; and it sent experts into many counties to make investigations. In its work of assessing the property of corporations it has secured reports from a large number of corporations which have previously failed to make returns, and has obtained fuller and truer returns from those that have previously reported, so that the total revenue from corporations has increased substantially. Moreover, it has been diligently engaged in the study of the subject of tax administration and has in each of its three reports made general and specific recommendations for reform.

Experience under the Smith One Per Cent law has been too short to have established concordant conclusions, on the part of those chiefly concerned with its enforcement, as to the final value of the different limitations imposed by the act. The utility of the law is estimated according to its efficiency in securing full returns of property—of intangible property in particular, and in impelling local spending authorities to economy. The tax duplicates show that under the operation of the law valuations have been materially increased, but that this increase has been much greater for real estate than for personal property. This divergence between real and personal property is explained partly by the fact that personal

erty in the form of money could not be increased and that investments in state, county, and municipal bonds could not be made, and partly by the fact that taxpayers generally have not been able to realize that the taxing and spending authorities are limited in such a way that the aggregate amount which the law allows to be raised is substantially the same as formerly; the taxpayers have therefore continued to fear that fuller returns would mean greater payments. The feeling is very general, however, that no permanent remedy for the defective appraisal of personal property can be obtained until the machinery for primary assessment of personal property has been reconstructed. Figures have been compiled which show that the proportion of tax burden borne by tangible property has actually decreased under the Smith law; the valuation of tangible property has increased by 166 per cent while that of intangible property has increased by only 66 per cent.

On the other hand complaints have come from various districts against the stringency of the limitations of the act. Representations have been made that under these limitations the urgent needs of schools and of county and city governments cannot be adequately provided for in many cases. Complaints have been directed specifically against the provisions limiting the aggregate amount that may be raised in the several districts to the amounts respectively raised in 1910 plus the small increases defined by the law. Complaints from the cities have been most in evidence. The larger cities in particular make objection to the composition and power of the budget commission. They argue that it is unreasonable that in counties where taxes are collected mainly from urban property-owners, revision of city budgets should be in the power of a commission, two of the three members of which are county officials. Mayors have felt particularly aggrieved in cases where the vote of one or two county members has compelled reductions in specific appropriations of the budget of a mayor's own city, against his negative vote.

The State League of Municipalities has put forward definite proposals for change in the law so that cities may be given freer rein in taxation. Their proposals are embodied in a bill introduced by Senator Greenlund, of Cleveland.⁸ This bill would make im-

⁸ Where reference is made in this article to bills under consideration in the legislature in its present session (1913), reference is made with respect to the date of consideration reached by March 24th.

portant changes in the Smith law. In the first place the levy for state purposes would not be included in the ten-mill limit. Secondly, the method of procedure for increasing the levy beyond ten mills would be so changed as to remove the positive requirement for popular ratification of the increase and to provide instead merely for popular veto as follows: in case the taxing body should decide that an increase beyond ten mills is necessary and should provide therefor by resolution, this increase would become effective thirty days after passage, unless a referendum petition signed by ten per cent of the voters should be filed within that time; the increase would then depend upon the vote of a majority of those voting upon the proposition at the polls. Thirdly, the 1910 limitation upon the total amount to be raised would be eliminated, no limitation of this character being retained. Fourthly, the personnel of the budget commission would be changed in those counties in which the amount of taxable property in cities and villages exceeds the amount of taxable property outside of cities and villages; in such counties the commission would consist of the county auditor, mayor of the largest city and solicitor of the largest city (instead of prosecuting attorney). Finally, limitations would be placed upon the power of the budget commission in altering the budget of a taxing district where alteration is necessary in order to bring the total amount of taxes to be raised in such district within the authorized limit. Under the law as it stands the commission in making such adjustment "may reduce any or all the items in any such budget." Under the proposed change the commission would have power only to fix the total amount which may be raised by any taxing district; they would have no power to revise any item of the budget.

These proposed changes are being opposed by the state tax commission. The chairman of the commission has prepared a table of figures showing that the cities are not at present cramped by the 1910 limitation. According to this table only four cities are now levying as much as is allowed under the 1910 limitation plus the additional percentage authorized by law. The chairman further points out that only a few cities are levying as much as the five-mill maximum for cities. He urges that by proper efforts to increase the tax duplicate through obtaining full returns of property, and by reducing debts in order to reduce the large amounts now being paid for interest and sinking fund charges in the large cities, revenues

entirely adequate to the needs of cities can be obtained within the present limitations of the law.

Further amendment to the Smith law has been initiated by the supporters of the limitations in their strictest form, in order to make clear the meaning of the fifteen-mill maximum which may be levied by a popular vote. The law, as amended in 1911, in defining this maximum, says that "in no case shall the combined maximum rate for all taxes levied in any year in any county, city, village, school district or other taxing district . . . exceed fifteen mills." This limit has generally been understood by taxing authorities to include levies for sinking fund and interest. However, a decision of the state supreme court rendered in January interprets the provision otherwise. The court holds, in effect, that by vote of the people the rate is not only optional as between ten mills and fifteen mills, but may be made as much higher as necessary for indebtedness incurred before the passage of the act or, by vote of the people, incurred since that time. In the eyes of the tax commission and other defenders of the Smith law, this interpretation nullifies the intent of the law and seriously impairs its effectiveness as a check to extravagant expenditure by local authorities. Under this interpretation the budget commission might authorize a levy of ten mills wholly for general expenses; an additional levy of five mills for general expenses might then be added by vote of the people; and then beyond this a levy for interest and sinking fund might be made to any amount. Governor Cox, in a special message to the legislature, declared that this interpretation, however sound, "vitiates the basic principle of the law." In response to these representations a measure has been passed by the legislature so as to fix the maximum levy for all purposes, expressly including interest and sinking fund, at fifteen mills. Attorney-General Hogan, Mayor Baker of Cleveland, and others hold that a limitation in this absolute form renders the law unconstitutional, as it seeks to take from the taxing district the power to provide for its lawfully-created obligations. The several taxing districts being empowered by law to incur indebtedness up to certain limits (defined by certain percentages of the respective assessed valuations of property), the legislature cannot render a law constitutional which seeks to deprive such districts of the power to make provision for their necessary general expenses and, beyond that, make provision to pay

their obligations regularly incurred within their respective debt-limits.

The recommendations that have been urged for publicity, for the separation of state and local taxation, for the abolishment of the rule of uniformity, and for the substitution of centrally appointed for elective assessors, have not yet been enacted into law; though a bill embodying the last-mentioned reform is now pending in the state legislature, and has, with respect to its principal features, the backing of the state administration.

The essential disadvantage of the general property tax for state purposes consists in the fact that this tax is collected upon the same assessments which the local communities make as a basis for their own revenue. Consequently there exists a tendency with each local appraising authority to keep its assessment as low as local needs allow in order that its share in the contribution to the state revenue may be kept relatively low—as compared with what other local communities are paying. To prevent this competition there have been repeated demands for the abolition of the state levy on property. In response to this demand, voiced in the recommendation of Governor Nash in 1902, the legislature of that year omitted the state levy of 1.35 mills for general revenue purposes, retaining the levy only for sinking fund, common school, and university and normal school purposes. Before the change went into effect approximately one-half of the total revenue of the state was derived from the general property tax. Since the change this tax has produced about one-fourth of the total revenue. The proportion remains at approximately that point now, notwithstanding the fact, that, following the tax limit act of 1911, the state levy has been reduced to .451 of a mill. However, it is by no means certain that this approximate withdrawal by the state from participation in the general property tax is to be permanent. Bills have been introduced in the present legislature such as make it evident that it is not alone the local authorities which are making attack upon the restrictions of the Smith law. A bill has passed the lower house providing for a state levy of one-half mill to provide a fund for inter-county and market roads. This tax would be levied annually for ten years; part of the proceeds would be apportioned equally among the counties of the state, and part would be expended directly by the state highway department on a system of state market roads.

The bill specifically excludes this levy from the limitations of the Smith act.

The amount lost to the general revenue by the omission of the general levy after 1902 was provided by the new excise and franchise taxes of 1902, described above. As already stated the temporary commission of 1908 recommended the total abolition of the state levy. The present permanent commission advocates the same thing. This body points out that the money raised from the common school levy is reapportioned among the counties upon the basis of enumerated school youth in each county and that as a result of this method of apportionment some counties receive from this fund more, others less, than they contribute thereto. It therefore advises that the state levy for this purpose be abolished and that the local districts be then allowed to increase their school levies by the present state rate. Should the fund for school purposes prove insufficient in certain districts the state could appropriate from its general fund on some fair basis. The commission further suggests that the amount for the other two funds could be provided from the general state revenue; if the revenue should prove inadequate for this, the balance could be obtained "by apportioning the same among the counties according to the total revenue raised in in each." This would afford a new incentive to economy on the part of local authorities.

There have been several attempts to modify the provision of the constitution of 1851 requiring the taxation of all forms of real and personal property by uniform rule, and to make it possible for the legislature to levy different rates upon different classes of property. It has been felt that the failure of the general property tax has been due largely to the difficulty of securing a correct assessment of personal property, in particular of intangible property, and that if different rates could be levied on particular classes of such property fairer returns might be obtained. As mentioned above the commission of 1908 recommended this change; they prepared an amendment to the constitution authorizing the legislature to "classify the subjects of taxation so far as their differences justified the same in order to secure a just return from each." This proposed amendment, submitted at the November election in 1908, received a favorable vote, of those voting on the amendment, of over three to one,⁹ but failed of adoption because of the constitutional require-

⁹ For, 339,747; against, 95,867.

ment, as it then existed, of an affirmative vote of a majority of electors voting at such election. The affirmative vote received represented slightly over twenty-five per cent of the total vote cast at the election. The movement for a constitutional convention, for general revision of the constitution, originated, at least partly, in the persistent desire on the part of many interested in tax reform, for abrogation of the rule of uniformity; their demand at all events lent support to the movement, and the liberal favorable vote, at the election of 1910, on the proposition for calling this convention, was interpreted in some quarters as popular approval of the projected change in the rule of uniformity. Nothing, however, was accomplished by the convention in this particular matter. The present tax commission has consistently opposed the change, and threw its influence in the convention against the proposal. There also developed a fear in the minds of persons within and without the convention that advocates of the single tax would be first to make efforts to take advantage of the change. This fear is reflected in one of the amendments proposed by the convention and adopted at the polls, specifically excluding the use of the initiative and referendum to enact laws authorizing the classification of property for the purposes of taxation or the levying of any discriminatory tax on land.¹⁰

Several bills making radical alteration in the machinery of assessment have been introduced into the legislature in its present session. These bills, while varying in many features, agree in substituting centrally-appointed for locally-elected assessors, and in placing upon them the duty of assessing annually both real and personal property. They provide that each county shall constitute an assessment district, and that the assessing authority for each district shall be appointed by the governor.

¹⁰ The amendment is as follows (Art. ii; sec. 1 e): "The powers defined herein as the 'initiative' and 'referendum' shall not be used to pass a law authorizing any classification of property for the purpose of levying different rates of taxation thereon or of authorizing the levy of any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon or to personal property." Other amendments proposed by the convention, and adopted by the voters, authorize specifically the enactment of laws providing for inheritance taxes (uniform or graduated, direct and collateral—with differentiation of rates between the two forms), and for income taxes (uniform or graduated), and require that not less than 50 per cent of the revenue that may be derived from income and inheritance taxes shall be returned to the city, village, or township in which the taxes originate. The amendments further specifically authorize excise and franchise taxation, and taxation of the products of minerals.

In conclusion, it may be suggested that the root of the evil of tax administration has not yet been attacked. Limitation upon tax rate may in time bring about somewhat truer returns of forms of property that have hitherto, in many cases, been concealed or undervalued, and may drive local spending authorities to somewhat more careful economy. Central coordination in the assessment of public utilities may secure valuation of certain forms of corporate property in such manner as to dislodge holders of such property from the advantageous position which they have occupied with respect to tax payments. Central supervision of local appraisement and equalization may create a nearer approach to equality of burden among the different communities. Central appointment of local assessors may provide a more efficient body of assessors and relieve them from the fear of local disfavor in the performance of their complicated tasks. But the principal obstacle to just and adequate administration of taxation seems to lie in the constitutional requirement of uniformity. As long as that requirement remains there appears to be no valid hope that a method may be discovered whereby the disproportion in the taxes paid by holders of different forms of property may be successfully removed.

Supplementary Note.—Since this article was written the legislature of Ohio has finally enacted into law several of the proposed changes in tax administration discussed above. The more important changes are as follows:

The 1910 limitation, upon the amount of taxes that may be raised, has been removed from the Smith One Per Cent law; and the composition of the county budget commissions has been modified so as to provide that in counties where the total assessed valuation of property within cities and villages exceeds that outside of cities and villages, the city solicitor of the largest city shall be the third member of the commission (with the mayor and the county auditor), and that in other counties the third member shall be the president of the school board of the school district comprising the largest municipality of the county.

The bill providing for appointive assessors has been passed. Each county will constitute an assessment district; in each county of more than 65,000 population there will be two district assessors, in all other counties there will be one district assessor; these

officers will be appointed by the governor and will be removable by the state tax commission with the consent of the governor; they are to assess annually both real and personal property, under the supervision of the state tax commission. For each county there will be a board of complaints composed of three members not more than two of whom shall be of the same political party; they are to be appointed by the state tax commission for overlapping terms of three years, and will be removable by the state commission, with consent of the governor; they are to hear and determine complaints relating to the assessment of both real and personal property; appeal from their decisions may be taken to the state tax commission. The elective township and ward assessors of personal property, the quadrennial appraisers of real estate, and the county and city boards of equalization and review are abolished by the act.

The bill providing for the state levy of one-half mill, which is to be outside of the Smith One Per Cent limit for improved highways was passed.

A proposed constitutional amendment exempting the bonds of all political divisions of the state from taxation was adopted for submission at the election in November of this year. Such bonds were exempted by constitutional amendment adopted in 1905; but this exemption was removed by one of the amendments adopted in 1912. (April 21, 1913.)

COUNTY BUDGETS: ECONOMY AND EFFICIENCY IN EXPENDITURES

BY JAMES E. BOYLE, PH.D.,

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"People seldom improve when they have no model but themselves to copy." This simple truth helps explain the bad financial situation existing in many of our three thousand counties. Counties have not been able to compare themselves with other counties in their own state or with more distant counties in other states. Such a comparison would have led to progress. In this article I shall point out some existing defects in county finances and in county accounting, and the progress which is being made in curing those defects. And in conclusion I shall attempt to formulate the principles which must be found in any ideal system of economy and efficiency in county budgetary matters.

I. PRESENT SITUATION BAD

1. *In County Finances*

In making some inquiries recently concerning county expenditures for bridges, I found that two adjoining counties had bought steel bridges of the same size and style and of the same company, and at about the same time. One county paid at the rate of twenty-one dollars per running foot; the other at the rate of forty-two dollars, or exactly twice as much. This case is believed to be typical of the lax methods of buying supplies for county purposes.

The practice of piling up a big floating debt is another evil all too common. This is done in spite of the fact that the constitution of the state usually places definite limits to the county tax levy.

Governor Johnson of Minnesota in his message of January 9, 1907, and Governor Dawson of West Virginia in his message of January 8, 1907, both pointed out this evil in their states. Governors' messages and state statutes everywhere show the prevalence of the practice. These documents form an echo of the old, old story of our county government: there is the constitutional debt and tax levy limit; the county spends more than this limit; warrants are

issued and stamped unpaid for want of funds; the county piles up a big floating debt; then the county is either permitted to fund the debt and issue bonds in excess of the bond limit, or to effect a compromise and scale down the debt—a quasi repudiation of part of the debt. In the early '70's and '80's Kansas was one of the conspicuous offenders in this debt-making, debt-scaling process. That this state has not wholly lost appetite for this discreditable practice would seem evident from a recent statute (*Laws of 1907*, ch. 137) providing that cities of the first and second classes may *compromise* and refund outstanding indebtedness. Constitutional limitations and legislative control have proved inadequate. Central administrative control is essential to sound financing.

Counties deposit their cash balances in banks. In some cases interest is paid to the county; in most cases, however, judging from replies from the various states, no interest reaches the county treasury.

Among the other common shortcomings of county financial administration are the following:

1. Expensive junkets by county boards to inspect county buildings in distant states. Expert advice on county improvements is now available in a much better and cheaper form.

2. Exercise of unauthorized powers, such as the abatement of taxes.

3. County charges not strictly construed. Often claims are paid which are not authorized by the express provisions of the law. Everything from cigars and fountain pens to banquets is found under this charge.

4. Inadequate audit or no audit at all. In many cases where the law provides for an audit of bills, the statute is weak and a perfunctory audit is the result.

5. Additional compensation, under various guises. Various county officers augment their legal compensation by putting in claims for extra work, for extra clerk hire, for materials and supplies bought, and by various other devices.

6. Temporary loans. In some cases bonded debts are created for current expenses.

7. Fees. Fees are often wrongfully kept or applied. In some instances the public has no knowledge of the officer's compensation since he keeps the fees and makes no accounting.

8. Defective county organization. Too many co-ordinate elective officials, with no centralization of financial powers, and no administrative headship.

The county has been our most neglected unit of government. Too much politics and too little business has been the situation. Inefficient personnel has been the rule. Tenure of office is short. Merit is not rewarded. The county office is a blind alley, leading nowhere. Hence the lax methods; the losses in buying materials and constructing permanent improvements.

Underlying all these evils is the evil of bad accounting.

2. *Situation in County Accounting*

"A statistical jungle" is the name applied by Mr. Chas. F. Gettemy to the town and city finances of Massachusetts. This phrase might well be applied to county accounting in most of the American states. Some evidence on this point will make the matter clear.

For instance we read in the auditors' report for New Castle county, Delaware, for 1912, these typical statements:

"We wish to state that in our opinion there is urgent need for necessary legislation to permit the county to adopt some comprehensive system of bookkeeping; a system that would centralize the accounts of the various offices in one place, where the condition of the county's affairs could be readily ascertained. . . . As will be seen by the statement of bonded indebtedness, \$695,000 of borrowed money has been invested in highway improvements. There are no books to show what the county owns for the expenditure of this sum.

"We cannot find any explanation of the item 'Unappropriated Funds' which appears in the comptroller's statement amounting to \$166,854.84."

This same report contains a statement of taxes, for various purposes, such as, for instance, "Poor Tax . . . \$1,018.69⁷¹/₁₀₀." These fractional cents are carried out punctiliously through several columns of figures. This nice regard for petty details and jaunty disregard for big and essential things is one of the most universal defects in county accounting.

Mobile county, Alabama, for instance, tells us how much the county expended for "fresh meat" for paupers, but not how many

paupers were fed or what the per capita cost of poor relief is, or how much is spent for the construction and how much for the maintenance of good roads, or how much for education.

Dane county, Wisconsin, issues a 200-page pamphlet entitled "Proceedings of the Board of Supervisors," which contains, besides the proceedings, the abstract of the assessment of each town (township) in the county, a comparative statement for four years of the assessed value of each town, village and city in the county, detailed statistics of all the principal crops for each town, the annual report of the commissioners of the poor, and, finally, good illustrations showing the county's poor farm and buildings. While this booklet is in most respects an ideal publication for the county—in fact a model for other counties to copy—yet from the standpoint of county finances, it has one serious defect: It contains no summary of county finances. And this is exactly the question of first importance to the county and to the taxpayer, into whose hands this booklet comes.

Dozens of similar pamphlets might be cited, notably those from the counties of Los Angeles, Denver, Kings (Washington), etc., all excellent in most ways, yet deficient in their method of reporting county finances. Some omit the inventory of county property. Some omit statistics of the preceding year, so that no comparison of the two years can be made. Few attempt to print a county budget. The exception to this is Erie county, New York, which prints the proceedings of the board of supervisors, and a complete, detailed budget for the current year and the estimated budget for the coming year. Few show the debt transactions for the year. Very few have solved the problem of classifying receipts and expenditures. And very few counties use the same form of reports.

Enough has been said to indicate the great diversity of methods in keeping and reporting county accounts. Uniform county accounting would seem to appeal to every man as the best method. Yet I find a difference of opinion here among county treasurers and county auditing officers.

One county treasurer in Wisconsin writes, "Every county ought to have the right to dictate its own way of accounting." A county clerk in Virginia takes exactly the opposite view.

Uniform accounting is one test that measures efficiency in county government. It is refreshing to note the great progress already made and now being made in securing this improvement in various states of the Union.

II. PROGRESS MADE

It will be impossible, within the limits of this article, to summarize all the laws on uniform county accounting in the United States. The four most important ones only are given in detail; the others are briefly mentioned.

Ohio's law is undoubtedly the best, with those of Massachusetts, New York, and Indiana as close rivals. Ohio's law has now been in successful operation for ten years. During that time the aggregate findings of the state examiners of illegal fees and unauthorized payments from county treasuries amount to over two million dollars, of which amount about one-half has been restored to the public funds.

The Ohio law was enacted in 1902 (95 Ohio, p. 511) and has since been amended (sections 274-289 General Code of Ohio), strengthening it along certain administrative lines. This act creates a Bureau of Inspection and Supervision of Public Offices, and makes provision for a uniform system of public accounting, auditing, and reporting in every public office in the state. An efficient corps of field agents, known as state examiners, employed on a civil service basis, make personal examinations in the various taxing districts. Uniform accounting is prescribed for all offices of the same grade and accounts of the same class. The findings are published. The enforcement of the law, in case money is due the county is left first to the county prosecuting officer, and then, if he refuse or neglect to act, to the attorney-general of the state.

STATEMENT OF FINDINGS TO NOVEMBER 15, 1912
Counties

Year.	Findings for Recovery.	Illegal Payments.	Unclaimed Moneys.	Total Illegal.	Returns.
1903.....	\$50,268.03	\$18,808.91	\$807.82	\$69,884.76	\$10,741.93
1904.....	57,805.54	2,504.41	10,339.95	70,649.90	2,222.31
1905.....	246,280.58	7,421.87	25,389.52	279,091.97	24,847.83
1906.....	295,082.80	14,227.52	5,218.21	314,528.53	232,156.78
1907.....	646,397.50	115,906.91	18,049.13	780,353.54	322,911.08
1908.....	103,764.26	43,335.31	9,829.15	156,928.92	41,171.53
1909.....	410,282.51	320,137.17	23,219.42	753,639.10	66,219.91
1910.....	146,024.04	106,410.00	22,241.18	274,675.22	24,438.36
1911.....	233,547.24	129,007.02	7,921.90	370,476.16	37,735.34
1912.....	112,926.80	No report	118.26	113,045.06	96,015.16
Totals.....	\$2,302,379.30	\$757,759.32	\$123,134.54	\$3,183,273.16	\$858,460.23

"It cannot be successfully refuted," says the chief inspector, "that the public service suffers more loss from incompetent officials than from dishonest ones."

The efficient work of the bureau is shown by the table on page 203.

Contrary to general impressions, the county losses are of far greater importance than those of any other taxing district, or than those of all other taxing districts combined. The following table shows that at least sixty per cent of the leakages occur in the counties:

STATEMENT OF FINDINGS TO NOVEMBER 15, 1912

	Findings for Recovery	Unclaimed Money	Returns
County.....	\$2,302,379.30	\$123,134.54	\$858,460.23
City.....	964,101.17		44,766.32
Village.....	147,622.50		6,511.11
School districts.....	158,985.49	72.42	16,729.00
Township.....	164,682.79	8,367.78	14,760.52
Justice of the peace.....	414.05		143.70
Totals.....	\$3,738,185.30	\$131,574.74	\$941,370.88

The amount restored to the public treasuries greatly exceeds the "Returns" stated above, for the reason that the law does not require a report on such restitutions. But here, as elsewhere, prevention is better than cure, and the errors and peculations prevented by this law are beyond our powers of computation.

New York's law (1905, ch. 705) requires counties, villages and cities to report annually to the state comptroller on a form prescribed by him. He publishes an annual summary. The field examiners are on a civil service basis. Prior to the passage of this law the county accounts were audited only by a committee in the county. These examinations were perfunctory; indeed, recent examinations prove they were only an expression of good faith in the official whose record was examined.

The report for 1910 shows that, for the ten counties examined, the moneys "improperly and illegally expended" amounted to \$111,437.39, or 5 per cent of the total expenditures. One county showed 16 per cent.

The comptroller's report goes to each county. It contains specific, detailed, and circumstantial criticisms of county shortcomings. Concerning one county we find this criticism (in the 1912 report):

"A committee was obtained by the board of supervisors to investigate the findings of this examination. Subsequently there was restored to the treasury of Steuben county in the neighborhood of \$20,000, \$7,500 of which was restored by the former superintendent of poor."

The New York report also contains tables of comparative statistics noteworthy for their excellent classification of receipts and expenditures. County receipts are given under these nine heads: (1) balance on hand; (2) taxes; (3) from the state; (4) from municipalities; (5) fees and receipts from county officers; (6) temporary loans; (7) sale of bonds; (8) trust funds; (9) miscellaneous. County expenditures are grouped under these seventeen headings: (1) administrative (salaries, including the sheriff, elections); (2) legislative; (3) judicial (courts, judges, including constables); (4) regulative (fish, game, quarantine); (5) educational; (6) defensive (military); (7) penal; (8) curative (defective); (9) charitable (poor); (10) protective (maintenance of county buildings and grounds); (11) constructive (purchase of lands and buildings); (12) good roads (construction); (13) highways (maintenance); (14) general (temporary loans, bonded debt, refunds, etc.); (15) trust funds; (16) transfers; (17) miscellaneous.

These comparative statistics have one serious defect for purpose of comparison: they do not give us the units of comparison, except the population of counties. "Construction of good roads" means little unless we know how much road was constructed. The cost of poor relief means nothing unless we know how many poor were cared for. And so on through the list. Actual comparison is impossible.

In Massachusetts, as in the other New England states, the county is a very unimportant unit of government. Hence any good work done there in county accounting has been largely neglected or ignored by the other states. In 1887 Massachusetts created the office of Controller of County Accounts. An annual report of about forty pages is published, containing tabulations, but no comments, criticisms, or suggestions. Hence it is inferior to the New York report. It does show, however, the county treasurers depositing county

funds with interest and without interest. The county debt is also given. But no debt transactions for the year are reported, and no inventories. And there are no units for comparison given, not even population. Hence these "comparative statistics" have only a small value.

The very efficient Massachusetts Bureau of Statistics, supervising town and city finances, uses the following classification which may easily be adapted to county reporting:

Receipts.	Payments.
I. Revenue.	I. Maintenance.
1. General.	II. Interest.
Taxes.	III. Outlays (for any visible increase
Etc.	in assets).
2. Commercial.	IV. Municipal Indebtedness.
Special assessment privileges	V. To Sinking Fund
(franchises).	VI. Agency, Trust and Investment
Interest.	Transactions.
Etc.	
II. Non-Revenue.	
1. Offset to Outlays (sales of real	
estate, insurance for property	
destroyed, etc.).	
2. Municipal Indebtedness.	
Loans.	
3. From Sinking Fund.	
4. Agency, Trust and Investment	
Transactions.	

This scheme offers both a good classification and a proper differentiation between maintenance, outlay, and other expenditures.

Indiana, like Ohio, has gone into the science and art of uniform accounting very seriously and very effectively. The Indiana law (1909, ch. 55, amended March 3, 1911) creates a Department of Inspection and Supervision of Public Offices having jurisdiction over every public office in the state. The administration of the law was entrusted at the outset to one state examiner, two deputies, one clerk, and fifty-two field agents working on a civil service basis. Uniform accounting is prescribed and installed. Comparative statistics are compiled by the state examiner and published annually, so that the fruits of this department are available to the public.

The workings of this law have been similar to those in New

York and Ohio. Passing over the findings in townships, school districts, and cities, we find reports like the following from counties:

"And in another instance [of shortage] a county treasurer at the close of his term claimed the county was indebted to him, and the commissioners allowed his claim of \$4,900. The report of our examination of his official records revealed the fact that he was actually short \$5,100 at the close of his term, and should not have received the amount of his claim, the payment of which made him indebted to the county in the sum of \$10,000. Suit was brought in behalf of the county to recover the funds. The \$5,100 was paid by his bondsmen, the remainder lost to the county. This discrepancy was due in great measure to poor methods of accounting."

"There was an admitted shortage of \$66,000 in another county. . . . In another county the records show the disbursement of \$425 for fountain pens during a period of four years."

The field work of the Indiana bureau is of inestimable value to the state. The published report, however, has the defect common to all other reports, namely, no standardized units of comparison.

Attention must now be given to states which have made progress in (1) state examination and supervision of local accounting; (2) in uniform accounting; or (3) in both.

Wyoming (constitution, 1890) provided for a state examiner. By statute he now supervises state and local accounting and banks, but does not prescribe uniform accounting, or publish his findings. According to Wyoming authorities, "The examination of public accounts is technical and embraces the checking of every item whether great or small, the subsequent footing of the cash accounts and finally their summation. Every account paid is closely examined, the nature of the expense ascertained, and the legality of the bill inquired into, and the amount is finally checked to the stub of the warrant issued and also entered in the proper column of the expense register. Whether or not the officer conducted his office in conformity with the statute is also made a subject of inquiry." Here we have outlined an ideal plan of audit.

North Dakota (*Laws of 1893*, ch. 95; 1907, ch. 232; 1911, ch. 62) provided a state examiner to supervise and inspect financial accounts of all state and county officers, and "to prescribe and enforce correct methods." He has not, however, prescribed any methods. Another state board ("Board of Control" of penal and

charitable institutions) has power to prescribe uniform accounting for these institutions, but has not exercised this power. Another statute gives the state auditor power to install a uniform system of accounting in state institutions, and finally the state tax commissioner is empowered to formulate a uniform accounting system. The state does not yet have uniform accounting. This state and Wyoming both have good state supervision, but no publication of results and no uniform accounting.

Kansas (*Laws of 1895*, ch. 247; 1911) has now provided for the gradual installation by the state tax commissioner of a uniform system of accounting for counties, townships, and school districts.

Georgia (1902, p. 57; amended, *Code 1910*, pp. 416, 417, 418) provided that counties might employ expert accountants, and that certain counties might have auditors.

Iowa (1902, ch. 23; 1907, ch. 24) required the county auditor to make a financial report in pamphlet form, and the state auditor, under the new law, prescribed uniform accounting for county treasurers, auditors, clerks of district courts, and also for cities and towns (villages). A volume of comparative statistics is published.

Nevada (1903, chs. 78, 123) provided for an annual county report to the state comptroller on a prescribed form; for supervision of local accounts by a state examiner; and for the preparation of an annual county budget.

Florida (1903, chs. 14, 71) directed the state auditor to prescribe forms of accounts for counties.

Tennessee (1903, ch. 583) provided for a budget for counties of a certain size.

New Mexico (1903, ch. 54) provided for a "traveling auditor" to inspect county accounts.

Arizona (1905, ch. 40) provided a public examiner who inspects financial records of each county officer.

Colorado (1907, ch. 204; amended in 1909) established the office of public examiner empowered to prescribe and install uniform accounting in all state and county offices, and to publish annually a volume of comparative statistics. The weak spot in this law (as in all similar laws) is the dependence of the state authorities on the county prosecuting officers to institute and carry on the suits which

arise out of examinations. The state's attorney-general ought to have full powers to prosecute these suits.

Oklahoma (1908, ch. 79) provided for a State Examiner to establish uniform accounting for county treasurers, and to examine the county offices at the request of the county commissioners or of five per cent of the voters. This is a weak statute. A letter from an Oklahoma official says, "It would be much more effectual to have the law provide for and make it the duty of the state examiner to establish uniform records for all county officers and to make the examination of all county officers mandatory."

Other states have been worthy of note. Washington (1909) adopted a law much similar to the Ohio plan. It has worked well. Minnesota (1909) adopted a scheme of securing a system of uniform accounting by state and county auditors and treasurers, prescribed and installed by a public examiner. West Virginia (1909) adopted the Ohio law, placing the administration of it, however, in the hands of the State Tax Commission. Louisiana (1910) provided for a supervisor of public accounts to audit the accounts of the "county" auditors, public boards, and state offices. County accounting is not yet fully included in this law. California (1911) created a Department of Public Accounting empowered to prescribe and install uniform accounting in every public office in the state. The department is conducted on a civil service basis. Michigan (1911) passed an optional statute empowering the state auditor to formulate uniform accounting for all public offices keeping accounts. The findings are published annually as "comparative statistics." The law is considered useless for counties, since it is not mandatory.¹

A few other states have made beginnings, more or less feeble, towards an efficient system of uniform county accounting. Among these are the following: Montana, Connecticut, Idaho, South Dakota, Wisconsin, Nebraska, and New Jersey. There seem to be nineteen states that have not yet taken the first step towards uniform accounting. This blacklist (if my information is correct) includes Alabama, Arkansas, Delaware, Illinois, Kentucky, Maine, Maryland, Mississippi, Missouri, New Hampshire, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia.

¹ Letter from V. B. Fellen, Auditor-General of Michigan, October 9, 1911. Quoted in *First Report North Dakota Tax Commission*, p. 112.

III. THE IDEAL SYSTEM

The showing above made is hopeful. A few years ago no states had uniform county accounting or, indeed, any state supervision whatsoever of county financial matters. Now state supervision is the rule. And uniform county accounting is rapidly spreading, especially the Ohio plan. However, no state as yet has worked out an ideal system. Perhaps this is not possible, considering the defects of human nature. But however that may be, certain well-defined principles have been established, and any first-class system must conform to these principles.

From the foregoing representations there are three important principles apparent. Observance of these three principles will mean economy and efficiency in county expenditures. Let us examine them separately

1. Since scientific accounting is the basis of a budget system, the first principle is uniform accounting. There should be uniform accounting, prescribed by state authorities, and enforceable through the state legal department. There should be publication of findings. There should be comparative statistics. These statistics should permit of a comparison both as to *time* and *units*. Comparing this year with last year, for instance, is wholesome. As to units, it is absolutely essential that a comparison on this basis be possible. Not how much did county A spend for bridges last year, for instance, but how much per foot did county A pay for 16-foot-wide steel bridges? How much per capita for children in school was expended for education? And so on. Standard units of comparison should be had for every service rendered by the county.

The published reports of counties (and these reports should be published annually in neat pamphlet or book form) should give at the very outset a financial summary, showing income, expenditure, and debt transactions for the year. This should be followed by a detailed statement, properly classified and differentiated. The classification might well follow either the New York or Massachusetts plan given above, making changes necessary to meet local needs. The differentiation should be observed between payments for maintenance and payments for outlay, as is done in Massachusetts: likewise between revenue and non-revenue receipts. The debt statement should show the object and character of the obligation, amount incurred and amount canceled during the year, net increase

or decrease, and provisions made for debt payment. Costly experience has taught that the best debt payment plan is now the serial plan. Finally, a detailed, complete inventory should be given of the county's property showing location, cost, and present value. The people want to know what they get for their money and what becomes of this property.

Why should not the county issue a neat booklet giving a statement of county finances and various other matters of interest to voters, such as the budget, tax rate, valuations, statistical matter concerning county officers (names, salaries, etc.), and other matters of local interest? The publication of Dane county, Wisconsin, was mentioned as a model book of this kind, excepting as to its accounting system. Publications of county reports in "official county newspapers," often shabby in appearance, at so much per line of type, is a relic of governmental barbarism. It should be superseded by a more dignified method. The voter in the end will be glad to bear the expense of having his county officials dignify their office by putting into his hands an annual statement as neat in appearance and as comprehensible in matter as that put out by the banks, the department store, or the seed catalog house in his neighborhood.

2. A county budget is a self-evident necessity. Since efficiency can be shown only by comparison, uniform accounting, as before stated, must precede scientific budget making. And examinations have demonstrated that far greater harm results from unintelligent than from dishonest accounting. Having secured the intelligent accounting system, how should the county budget be made? In Erie county, New York, a board of supervisors of fifty-four men formulate the budget. In Dane county, Wisconsin, sixty-four men constitute the county board; in Arkansas and some other southern states there is a county levying court composed of all justices of the peace and the county judge; in the northwest there is a small board, usually three, five, or seven men; the taxing body for Hartford county, Connecticut (typical of the New England county) is made up of the representatives and senators elected to the general assembly from the towns of the county. In spite of the success of the Erie county board (due chiefly to efficient accounting methods) the tendency of efficient county government is towards the small board elected solely for that office. The budget should of course contain itemized statements of receipts and payments for the past year,

and estimates for the coming year. And of course these statistics should be classified and arranged for easy comparison.

A condensed statement of the county budget should then be printed on the individual's tax bill. This is done very generally. But the county booklet, described above, should contain the full and complete budget.

3. Reorganization of county government. There is at present a faulty organization of county government which needs reconstruction. There are too many elective officers, and hence lack of proper co-ordination. The people have thus confused the responsibility of most officers and thereby lost control of them. One county, for instance, now elects a keeper of the county home; the keeper of the penitentiary; the superintendent of poor; the auditor; the sheriff; the county treasurer; the surrogate; the county judges; the district attorney, and fifty-four members of the county board. Some officers are on salaries; some on fees. Many separate departments purchase supplies, disregarding the saving that would come through a single purchasing agent. Some counties buy under competitive bidding; some do not. Some counties have a real audit of bills (as outlined under Wyoming above); some have no real audit.

The commission plan of city government will inevitably suggest the commission form of county government. A reorganization according to this short-ballot plan, safeguarded with a non-partisan civil service, and coupled with the uniform accounting and the scientific budget described above, will give us our much-needed economy and efficiency in county expenditures.

STATE SUPERVISION OF COUNTY ASSESSMENT AND TAXATION

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Any careful study of the respective spheres of state and county government must necessarily be based upon clear ideas regarding the nature of the county itself as a unit of local organization. One of the most distinctive features of the American type of political institutions is the striking contrast which exists between the character of legislative authority on the one hand, and the real work of administration on the other. Under the constitutions and statutes of the different states, there exists a degree of legislative centralization which practically eliminates the county and smaller subdivisions of local government; but at the same time the administration of law is parceled out among a long list of local officials for the most part elected by the people, and thus a type of political organization established which frequently leaves to the commonwealth itself or central law-making authority only the merest shadow of nominal supervision and control.

As a logical result of this contrast between legislative centralization and administrative decentralization, there are at present two apparently conflicting movements in the political systems of the forty-eight commonwealths: first, so-called "home rule," which, following the experience of continental Europe, would give to the localities some measure of legislative authority, and, second, a more centralized type of supervision and control which would fix responsibility all along the line from the civil township to the commonwealth, by giving to the latter a more substantial amount of real administrative power and authority. In reality, however, these movements do not necessarily conflict, but form logical parts of a well-ordered system of political evolution, for the obvious reason that, while changed economic and social conditions render imperative a constantly increasing measure of centralized administration, numerous problems of a distinctly local character should be placed in the

hands of properly constituted local officials and not transferred to a central commonwealth board or commission.

The control of public service corporations, the supervision of the revenue system, the construction of permanent highways and a score of other present-day problems demand that the work of administration be transferred in many cases from the localities to the commonwealth. The writer is in thorough sympathy with the movement to centralize authority when the same is demanded to bring about uniformity of conditions on the one hand and administrative efficiency on the other. At the same time, however, problems of a distinctly local character should not be arbitrarily transferred to the state either by legislative enactment, judicial construction, or administrative usurpation and, for that reason, there is a measure of truth in the "home rule" doctrine which the student of political science and the practical statesman should constantly bear in mind. In other words, if the future is to bring about greater centralization of administrative power in order to conform with present economic conditions, it would seem to be apparent that some measure of legislative decentralization must go hand in hand with administrative centralization, and thus insure that balance of local and central authority so essential to the preservation of the democratic form of government.

State supervision of the county and lesser political subdivisions rests upon the solid foundation of legislative authority. The representatives of the people, if they so desire, may either delegate the work of administration to local officials elected or appointed in the civil townships of the county, or establish some compromise system of township and county organization. On the other hand, the same representatives may create by law state boards or commissions to carry on the work of administration. The amount of supervision and control exercised by the commonwealth in each case will depend on historical conditions, the character of local government, industrial and social conditions and numerous other considerations. It is the purpose of this article to examine the nature and scope of state supervision of the most important of all the functions of the county, viz., control of assessment and taxation.

Professor F. J. Goodnow, in his work on "Comparative Administrative Law,"¹ says regarding the necessity of state supervision of

¹ Vol. I, p. 229.

financial problems: "In a few instances, however, where the action of the authorities in the localities may have a disastrous effect upon the general administration of the commonwealth in matters where it is particularly desirable that the administration shall be conducted in accordance with a uniform plan and where local action may produce inequalities in the burden of commonwealth taxation, resort has been had to a central administrative control which, however, up to the present time, has not been thoroughly worked out."

Since the publication, however, of Professor Goodnow's work in 1897, this principle of state supervision has been "worked out" with a reasonable degree of thoroughness in a large group of commonwealths. In 1900 only five states had a permanent state tax commission or state tax commissioner; but so rapid has been the progress of revenue reform since that date that, at the present time, twenty-seven states have organized such boards or commissions.² For reasons already suggested the supervision and control thus vested in an administrative state board may be exercised directly through officials sent to the localities, or indirectly through township or county authority or some compromise system, depending primarily upon the form of local government. In states where the township form of local institutions predominates, the tax commission is obliged, in nearly all cases, to deal directly with the civil townships; but in about half of the tax commission states, the central supervision and control of local finance are exercised through the county as a unit of local organization.

The advantages of state supervision of county finance as compared with state supervision of township finance must be obvious to the student of political science. At the present time, there is in nearly every commonwealth a county board with some control over assessment and taxation. Rhode Island and Georgia are the most distinct exceptions to this rule. Moreover, the number of counties varies from three in Delaware, fourteen in Massachusetts and sixty-one in New York to ninety-nine in Iowa and two hundred and forty-three in Texas. It is thus not only possible, but practi-

² The following states now have some form of permanent state tax board or commission: Alabama, Arizona, Arkansas, Colorado, Connecticut, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin and Wyoming.

cable, from an administrative standpoint, for the state to deal directly with the county as a type of local government, while it is vastly more difficult, if not impossible, to exercise the same supervision over the civil townships,

For these reasons it follows that, in states having the township form of local government, a substantial amount of power and authority must be exercised by the central state board through officials appointed for that purpose, which, in states having the county form of local government, might safely be vested in the proper county authorities. For example, in Kansas and West Virginia, a large amount of detailed administrative work is handled by the county assessors, which, in New York, Wisconsin and Minnesota, when performed at all, must be placed in charge of officials appointed by the commission and sent out from time to time to the localities.

The creation of the office of county assessor, therefore, as recommended by the tax commissions of Ohio, Minnesota and North Dakota and the Special Tax Commission of Iowa, should not only result in more efficient administration of revenue laws, but should also preserve local self-government in taxation matters in a way quite impossible in states having only the township form of local organization. In other words, changed economic conditions render necessary greater centralization of administrative authority in matters of assessment and taxation. This authority may all be vested either (1) in a state commission with a large corps of appointed expert officials, or (2) partly in a state commission and partly in county officials or boards. The writer is in favor of the latter plan: first, because it is giving the best results in states like Kansas and West Virginia; and second, for the reason that it tends to preserve a safer balance between state and local authority.

At the present time there are at least four types of local government: first, the township as it exists in New England; second, the township-county or supervisor plan, of states like New York, Michigan, Illinois, and Wisconsin; third, the commissioner form of the compromise system or county-township plan, of states like Pennsylvania, Ohio, Indiana, Iowa, Kansas, and Missouri; and fourth, the county plan which predominates in the South. Under the first plan the county is practically blotted from the map as a fiscal unit of local organization, and the state tax board, commission or com-

missioner deals directly with the civil township. In the remaining plans, however, the tendency is very decidedly in favor of state supervision of county rather than township finance.

The problem of accomplishing this result is relatively simple in commonwealths having the county type of local government; more difficult where the commissioner form prevails; and most difficult of all where the supervisor plan of the compromise system of local organization has been in existence for a long period of time. To be more concrete, state supervision of county finance can be accomplished with the minimum of difficulty in a commonwealth like West Virginia. In Kansas, where the people have been accustomed to a substantial measure of township government, state supervision of county finance has been brought about since 1907, but it has required more persistent effort and the result has been a more complex administrative system. In Wisconsin, however, where a tax commission was established several years earlier than in either Kansas or West Virginia, it has been impossible to enact a law creating a county supervisor of local assessment with anything more than nominal authority. Indeed, after several years of experience, the Wisconsin legislature in 1911 repealed the law providing for a county supervisor of assessment with vague and shadowy authority and placed larger powers of supervision in the hands of so-called income tax assessors appointed by the State Tax Commission, thus accomplishing in a measure by indirection what the prejudice of the people for a certain type of local government had prevented by a more direct statutory method.

It is a cardinal principle of public finance that the general property tax, so-called, succeeds or fails in the process of assessment. If the listing or assessment of property for taxation purposes is uniform, the burden of taxation will be equitably distributed among the taxpayers, whether they be individuals or corporations. If the assessment, however, is honeycombed with inequalities, such as every investigating board or commission has discovered to a greater or less degree, the tax levies must be inequitable in the same proportion.

The method of realizing greater uniformity of assessment is not absolutely the same in any two commonwealths. Laws providing for assessment and taxation are nearly always the fruit of legislative compromise and in the last analysis are determined

primarily by the character of local institutions which happen to predominate. Under all political, economic, and constitutional conditions, however, writers on public finance and tax administrators agree on one fundamental principle, viz., the necessity of a larger measure of administrative centralization, which means an enlargement of the supervision and control of assessment and equalization vested in county and state authority. If the county does not exist the state must necessarily deal directly with the civil township and, for reasons already explained, exercise a larger measure of supervision and control than in commonwealths where the county through its proper officials is able to assume a part of the work of administration.

Of the forty-eight commonwealths, seventeen have township assessment without the supervision and control of county assessors, or in fact any county supervision, aside from the nominal review or equalization by an *ex officio* board. This list includes every state north of the Ohio and Potomac rivers and east of the Mississippi River, except Illinois, Indiana and Maryland. It is a significant fact, however, that it includes only North Dakota, Minnesota, Iowa and North Carolina in the extensive territory west of the Mississippi and south of the Ohio and Potomac rivers. This means that, as the American people moved westward, in their development of a broader democracy, the county gradually proved its superiority over the township as a unit of local organization for fiscal purposes.

Indiana, Illinois, Kansas and South Dakota also have some measure of township assessment. In Illinois and South Dakota, part of the counties are under township organization and therefore have township assessors, but in the remaining counties the county system of local government and with it county machinery of assessment prevails. Kansas has township assessors elected by the people in the rural districts and local assessors appointed in towns and cities, but the listing of property in either case is subject to the rigid supervision of a county assessor formerly appointed by the board of county commissioners, but at present elected by the people. In Indiana property is listed by local township assessors working under the supervision of a county assessor elected by the people. Of the four states having a combination system of township and county assessment, Indiana and Kansas have established tax commissions and therefore placed their revenue system on a much more efficient basis than have Illinois and South Dakota.

All the states having township assessment without any county supervision except that of an *ex officio* board of review, have established a permanent state tax commission, or commissioner, except Iowa and Pennsylvania. This demonstrates the fact that township assessment without some real central supervision and control is a recognized failure. New Hampshire, Ohio and Rhode Island have been placed in this list of tax reform states during the last two years. It is to be hoped that Iowa will take a similar step during the present session of the general assembly. In other words, under present economic conditions, it is very apparent that some method of central supervision of township assessment is deemed necessary in order to obtain anything approaching satisfactory results.

The system of county assessment prevails in some form in thirty-one states, which include every state west of the Mississippi and south of the Ohio and Potomac rivers, except Minnesota, North Dakota, Iowa and North Carolina. It is, moreover, a significant fact that bills are now pending in the legislatures of Minnesota, North Dakota and Iowa to create the office of county assessor. This shows that the relatively greater efficiency of the county as a unit of local government for fiscal purposes, is coming more and more to be recognized. The legislature of Ohio is likewise considering a bill, which, if enacted into law, will provide a county tax commissioner for each county of the state, the same to be appointed by the State Tax Commission.

A word of explanation should be made with reference to North Carolina, a southern state where one would expect to find the county system. In fact, the county plan does prevail when we consider that the board of assessors or list takers, while nominally township officials, are appointed by the board of county commissioners and subject to county supervision and control. Furthermore, North Carolina has a state tax commission, which exercises supervision over all the various taxing officials, including the list takers and boards of county commissioners. Thus the board of county commissioners, through its power to appoint township list takers and operating under the supervision of a tax commission, can direct the work of local assessment in much the same manner that the county assessor is able to do in a state like Kansas.

The plan of county assessment, however, has been carried to its logical conclusion in only a few commonwealths where permanent

tax commissions have been established and their powers and duties carefully correlated with the work of county assessors and county boards of review. In recent years the tax commission movement has been making as great progress in states where the county form of local organization prevails as in those having township assessment. Of the county assessor states, and perhaps of all the commonwealths in the Union, Kansas and West Virginia have accomplished the most satisfactory results. The county assessor states that have recently followed the example of West Virginia and Kansas are: Alabama, Texas, Oregon, Washington, Colorado, Arkansas and Arizona. For reasons already explained, this group of states is able to place a large amount of power in the hands of the county.

The method of election, term of office, salary and powers of county assessors are not absolutely the same in any two states. Like other county officials they are generally elected by the people for two or four years. In thirteen states the term of office is four years. Arizona provides that the county assessor shall be appointed by the county board of supervisors. In Virginia, the power of appointment is vested in the circuit courts.

The work of review or equalization, like that of assessment, can best be studied by examining the authority vested in the civil township, including the town and city, the county, and the state, respectively. Beginning with the smaller subdivisions, it is a significant fact that only seven states have a system of so-called local township review. Formerly the plan of township equalization was more common, but it is a type of pioneer institution which has outlived its usefulness and therefore has been gradually abandoned. New Jersey abolished its township board of review in 1906; Illinois, in 1908; Oklahoma and Nebraska, in 1911. For obvious reasons the township is too small a unit of local government for purposes of review, if we are to obtain uniformity of assessment and therefore equality of taxation. There must be some permanent county official whose business it is to see that assessments are uniform throughout the county and this official should be under the supervision of a state tax commission with power and authority to bring about uniformity of assessment among the counties of the state. At the present time, forty-one states are able to get along without local or township review of assessments. Indeed Kansas should be added to this list when we consider that its local board of review is composed of

three persons, two of whom are appointed by the county assessor and therefore subject to his direct supervision and control.

While township review or equalization has been gradually abandoned for administrative and economic reasons, the same cannot be said of county boards of review. Just as county assessments have gained in favor during the last decade, so county review or equalization has rapidly proved its efficiency over the township method. In other words, the tax reform movement of the last ten or fifteen years has increased the authority of the county and decreased that of the township, both from the standpoint of assessment and equalization.

Of the long list of thirty-nine commonwealths with county review of assessment, this power is vested in the county boards of supervisors in nine states, in boards of county commissioners in twenty states, and in the county court in Texas and West Virginia.³ Boards of county review in the remaining eight states present as many different varieties of organization. In Louisiana, this power is vested in the police juries of the different parishes. In New Jersey, the county board of review is appointed by the judge of common pleas, while in Missouri, the county clerk, county surveyor, county assessor and judges of the county court make up the county board of equalization. Tennessee also has an antiquated system, borrowed, in the main, from colonial days.

Perhaps the most significant fact, however, as to county boards of review is that they are almost universally clothed with the power to equalize assessment as between individual taxpayers. This is true in approximately two-thirds of the states. The recommendation, therefore, made by the Special Tax Commission of Iowa that the office of county supervisor of local assessment be created and that the county board of review be clothed with authority to equalize assessments between individuals, would seem to rest upon the solid foundation of successful experience.

Since the subject under consideration is state supervision of county finance, only a word need be said regarding the state assess-

³ The county board of supervisors acts as a county board of equalization in Arizona, California, Kentucky, Nebraska, Michigan, Mississippi, Iowa, New York and Wisconsin. The same work is done by boards of county commissioners in Alabama, Colorado, Florida, Idaho, Illinois, Kansas, Maryland, Minnesota, Montana, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Utah, Washington and Wyoming.

ment of certain classes of public service corporations. In a large group of commonwealths, like Kansas, Michigan and Wisconsin, the work of review or equalization includes property listed by state as well as by local officials, thus making it impracticable to draw any clear line of demarcation between state assessment as such and state review of all classes of property subject to *ad valorem* taxation. Under such conditions the two functions are logical parts of one administrative problem and are rendered necessary by an effort to place the same relative burden of taxation on the property of corporations organized for pecuniary profit as is levied against the property of individuals.

With reference to the close interrelation of state assessment and review, the following comments in the author's essay on "Tax Administration in Iowa" are significant: "Authority to assess the property of various state-wide public service corporations is sometimes vested in a single person, like the Comptroller General of Georgia, but this important function is almost universally placed in the hands of a board of three or more members. In states like Iowa, Missouri and Nebraska an *ex officio* state board of equalization is clothed with this power—a method which was more general throughout the country before the days of the tax commission movement than at the present time. In states like Maine and New Jersey the same authority is conferred upon separate state boards of assessors. During the last decade, however, state assessments and review or equalization have both been very rapidly transferred to a class of permanent state boards generally known as tax commissions. This is true at the present time in Wisconsin, Massachusetts, New York, Michigan, Indiana and a number of other states, and represents a very positive general movement in the field of scientific tax reform."⁴

Some plan of state review or equalization now exists in thirty-eight of the American commonwealths. Those states not having boards of this character are located for the most part in the South. The tendency of the present-day tax reform movement is: first, to increase the administrative power and authority vested in the state; and second, to replace *ex officio* boards by permanent tax commissions, or at least a tax commissioner to collect the necessary

⁴State Historical Society of Iowa. *Iowa Applied History Series*, Vol. I, p. 560.

statistical data. The fact that more than one-half of the states have made definite progress along this line shows that the work of providing for a more efficient system of assessment and taxation has long since passed the experimental stage.

Thus it appears that the statement made by Professor Goodnow in 1897, that central administrative control of finance "has not been thoroughly worked out" no longer represents the true condition of affairs in a substantial group of commonwealths. Especially during the last decade, legislative centralization has been supplemented by a degree of administrative centralization hitherto unknown in the American political system; a movement which has characterized not only the field of public finance, but numerous other lines of governmental activity. While the practical necessity of this development cannot be denied by the student of economics and political science, the fact remains, however, that every step forward should be taken with caution and only after the most thorough consideration of the problems involved.

In this connection we must not forget that if the time should ever come when the work of administration in the commonwealths is centralized in the same degree as is legislative authority, under present conditions, the counties, townships, and other local units of government would be reduced to mere geographical expressions and local self-government would cease to exist. The writer does not believe that there is any immediate or even remote danger that political and social evolution will bring the American people to such a system of government. The fact remains, however, that while we are urging the necessity of greater centralized administrative authority to the end that political organization may be in harmony with industrial and social conditions, our enthusiasm for mere efficiency should not cause us to forget that there is another side to the problem. While it will be generally admitted that modern capitalistic industry, with its machine production and rapid transportation, makes it necessary to centralize certain functions which only a few years ago were local in character, this does not necessarily mean that the advancement of material civilization has not brought to the front other problems which can best be solved by the cities and other subdivisions of local government. Hence, the "home rule" movement would seem to rest on a logical basis and will probably receive greater attention in the future, as admin-

istrative control of general problems becomes more and more centralized.

With these considerations in mind it follows that administrative authority should be properly distributed among the various units of government from the state down to the minor subdivisions. A more centralized administration does not necessarily mean the transfer of power from the township to the county or from the county to the state. The reasonable demands of centralized administrative control are provided for when the functions of each unit of government are placed upon an efficient business basis. This holds true of the township, city, county and state. In matters of public finance, however, it has been found that the county rather than the township, from an administrative standpoint, is best adapted to meet the requirements of a scientific revenue system, made possible by a wise correlation of state and county authority.

At the present time the legislature of the average commonwealth is more or less arbitrary in determining the maximum tax levies and bond issues of counties and other subdivisions of local government. Aside from the legislative authority thus exercised by the commonwealths over the local units of government, it may be said that the tax commission movement, so-called, means that a central state board of some kind should exercise the following powers: the administration of the tax laws including the supervision of assessors, boards of review and all other local taxing officials; the collection of all statistical data necessary for the purposes of review or equalization; the assessment of the property of public service corporations where the *ad valorem* system prevails; and, finally, the reassessment of taxing districts in cases where it is considered necessary, or even the sending of agents to perform the work of reassessment. Numerous other functions might be mentioned but these can be determined by consulting the tax commission laws of any one of a score of commonwealths, especially those of Ohio, West Virginia, Wisconsin, Minnesota and Kansas.

In conclusion, the essential facts presented in this paper are briefly set forth in a plan of state tax reform outlined by the writer in an address delivered before the fifth national conference of the National Tax Association, held at Richmond, Va., in 1911, which, with some modifications, is as follows:

1. A permanent state tax commission or tax commissioner,

appointed by the governor with the consent of the senate, paid good salaries and serving for not less than six years, said commission or commissioner to have general supervision of the entire revenue system, with authority to assess the property of public service corporations in states where the *ad valorem* system prevails, act as a state board of equalization, or, in case of a single commissioner, to serve on said board, with additional power when necessary to compel the reassessment of property in any taxing district of the state or even send expert agents to do the actual work of reassessment.

2. A county assessor or county tax commissioner, to be elected by the people or appointed by the county board of supervisors or tax commission, his term of office to be not less than three but preferably four or even six years, having authority in turn to appoint deputies to aid in assessing all the taxable property of the county, or, in cases where the prejudice for the township system is too powerful to be overcome, to be at least a necessary connecting link between the local assessors and the tax commission, having general supervision of the former and serving as a member of the county board of equalization.

3. The gradual transfer of fiscal authority from the township or similar local unit to the county, said transfer to include both the collection of taxes and the assessment and equalization of property, the actual changes being made with great caution, only after a thorough study of the history of township and county government, and always with due regard for the prejudices and political habits of the people and other legal, economic, or constitutional considerations.

4. The local taxation of property or business that is local in character, and the state taxation of property and business that is non-local, thus having its legal *situs* at the capital of the state; it being apparent from a careful historical and comparative study that the exclusive state taxation of local property and business, following the inevitable logic of the advocates of segregation, places an unjust burden upon the cities; and the local taxation of property and business not having a local *situs*, *e. g.*, main track, rolling stock, and franchise or intangible value of railroads, compels the majority of rural taxing districts to bear the fiscal burdens of the minority through the payment of telegraph and telephone tolls and railroad and express rates.

5. In cases where the state tax on non-local property and business, coupled with the customary fees and an inheritance tax both collateral and direct, is not adequate to meet legitimate needs, a levy of the required millage on the actual cash value of all taxable property in the state; and in cases where the revenue from said sources is more than sufficient for state demands, the distribution of a part thereof to the local districts for various purposes and on a basis in harmony with the conditions prevailing in a given commonwealth.

6. The assessment of property on a geographical basis at its actual cash value, real estate to be listed separate from the improvements thereon, the rate on moneys and credits, however, being placed at not more than five but preferably four or even three mills, it being recognized that an efficient administration of the general property tax on any other basis is impossible; and finally, when practicable, the extension of the *ad valorem* system to the property of public service corporations in order: first, to obtain a true measure of fiscal burdens, both individual and corporate; and second, to find a common ground in fair valuation for the equitable taxation and intelligent regulation of these great and necessary enterprises. In states, however, where a tax on earnings has become well established, a change to the *ad valorem* plan should not be made without very careful consideration, for the obvious reason that the most essential thing is the efficiency of the administration and not the question whether the tax itself happens to be calculated with reference to value, earnings or some other method.

While conditions are materially different in different states, it is believed that this fiscal law, founded as it is upon centralized administration, the proper correlation of power and authority as between the various divisions of local government, actual cash value of property, a desirable substitute or substitutes for the worn-out personal property tax, and the equitable distribution of taxes received from public service corporations, is sufficiently elastic to serve at least as a working basis of rational tax reform in the average American commonwealth.⁵

⁵ *State and Local Taxation*, 1911, pp. 82, 83.

PART THREE

PLANS FOR THE REORGANIZATION OF
COUNTY GOVERNMENT

COUNTY HOME RULE IN CALIFORNIA: THE LOS ANGELES COUNTY CHARTER

BY LEWIS R. WORKS,

Member of the Board of Freeholders that framed the Home Rule Charter for Los Angeles County.

Officially, the movement for county home rule in California had its inception in the initial message of Governor Hiram W. Johnson to the legislature, in January, 1911. The new executive, responding to the popular feeling which had placed him in his position, pointed out in the message many reforms designed to better the machinery of government and place it more nearly in the hands of the people. Among these, he suggested such changes in the state constitution as would enable the electors of the respective counties to adopt a form of government for themselves. The message recognized the fact that, to a great extent, counties are agencies for the discharge of state functions and that, therefore, a state cannot grant to its counties the measure of local self-control which it may properly allow its cities. The legislature was accordingly advised to propose to the electorate a constitutional amendment providing for county charters covering a limited range of subjects.

An amendment closely following the suggestions of the governor was adopted by the legislature and was submitted to the people at the special election of October 10, 1911.¹ The amendment was approved and at once went into effect.

Under the new amendment a charter for a given county is to be prepared by a board of fifteen freeholders, themselves first elected by the people of the county at a special election called for the purpose. The election may be held pursuant to ordinance passed by the board of supervisors, a body which is the counterpart of the board of county commissioners in other states, or by initiative petition signed by fifteen per cent of the qualified electors. It is required that the freeholders shall complete and file a draft of a charter within one hundred and twenty days after the official declaration of their election. The proposed charter must then go through a ten days'

¹At which were also presented twenty-two other measures, including the initiative, referendum, recall, equal suffrage and other amendments.

publication and must be submitted to the electorate of the county not less than thirty nor more than sixty days after the completion of publication. It must then be adopted by a majority of the votes cast. Before it becomes finally operative it must go to the legislature, at the next session after its adoption by the electors, for ratification.

It is made mandatory upon the people, by the constitutional provision, to incorporate certain features in their county charters.

The constitution is to the effect that charters shall provide:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; provided, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the constitution or general law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices; and for the manner of filling all vacancies occurring therein; provided, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attachés and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and the terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

In addition to these positive requirements, the constitution permits county charters to provide, also:

For offices other than those required by the constitution and laws of the state, or for the creation, of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

The constitutional amendment also provides, in a paragraph too lengthy to be quoted with profit, that the charter may make provision for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges, with certain limitations as to the formation of districts and the voting of bonds, for such purposes.

The movement for a charter for the county of Los Angeles was inaugurated by the county board of supervisors. A resolution was passed by that body in March, 1912, requesting the Los Angeles Chamber of Commerce, the leading unpartisan civic organization of the county, to take measures for the nomination of fifteen candidates for freeholders. The chamber accordingly issued a call for a convention to be composed of delegates from the various civic bodies of the county. The response was immediate and the convention speedily held. The list of proposed nominees, completed and adopted by the convention on April 2, was formulated in such manner as to give representation to all parts of the county. From the standpoint of political complexion, the ticket was as happily selected. The list was made up of seven progressives, four republicans, two democrats and two socialists. Taking it from the occupational standpoint, the ticket comprised seven lawyers, three financiers, two business men, one educator, one farmer and one musician.

The convention named a committee of twenty-five to circulate petitions among the people for the formal nomination of the fifteen persons selected. Their names were thus placed upon the ballot and they were elected as a board of freeholders at a special election held May 14.

At the inception of their work, which was begun immediately, the freeholders found it necessary to consider most carefully the scope of their prospective labors. They were entering upon a virgin field of endeavor. Their efforts, if well directed, were to lay a foundation for the eradication of the glaring evils of the system of county government prevailing throughout the Union. They realized that they could not carry the work to the limit which some of them desired and that they must, at the outset, take strict account of the limited range which their operations might cover as compared with the broad field they could enter upon if engaged in the preparation of a city charter. Most of the members had enjoyed more or less experience in the work of city charter making and they felt themselves almost subconsciously tempted to regard their impending labors in the light of that experience.

The law committee of the board was accordingly directed to examine into the considerations just mentioned. It did so and presented a report to the following effect:

1. The constitutional amendment allowing the formation of county charters provides that a charter "shall supersede all laws inconsistent with such charter relative to the matters provided in such charter." Under this language you are advised that a county charter, although allowed to cover but a limited range of subjects, will, if properly drawn, and within such range, supersede all legislative enactments upon the same subjects; provided, however, that this rule is limited by what is said in the next succeeding paragraph, numbered 2.

2. It is provided, by a certain paragraph of the constitutional amendment, which paragraph is numbered 4, that county charters shall provide, among other things, "for the powers and duties of boards of supervisors and all other county officers." Further down in that paragraph, however, occurs the following: "Provided, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws." The insertion in the constitution of the proviso, or clause, just quoted, makes it necessary for us to advise you as follows:

- (a) A county charter may contain such provisions as the people see fit to insert with relation to the "powers and duties of boards of supervisors and all other county officers," if such provisions contravene no principle of constitutional law, and notwithstanding such provisions are inconsistent with or are in addition to provisions contained in legislative enactments.

- (b) If, however, a county charter contain provisions as to such "powers and duties," which provisions are inconsistent with existing legislative enactment, then and in that event, such provisions of the charter would be inoperative, would rest in a state of suspension, during the existence of such legislative enactment, but would become effective or operative upon a repeal of such legislative enactment by the legislature.

(c) Also, all provisions of a county charter as to such "powers and duties" would become inoperative, would be placed in suspension, even if the same had theretofore been in actual operation, by the passage at any time, by the legislature, of any statute concerning such "powers and duties," such statute being inconsistent with such provisions of such charter, the latter being placed in suspension by such statute only to the actual extent of the inconsistency between the two.

3. The constitutional amendment contains the following: "It shall be competent in all charters framed under the authority given by this section to provide, in addition to any other provisions allowable by this constitution, and the same shall provide, for the following matters," and this language is followed by a specification of the matters referred to. You are advised that the language quoted is mandatory, in the legal sense, and that the charter should contain provisions as to all the matters mentioned.

4. The constitutional amendment also contains the following, below the matters mentioned in the last preceding paragraph, numbered 3, to wit: "All charters framed under the authority given by this section, in addition to the matters hereinabove specified, may provide as follows," and this language is followed by a specification of certain designated matters. You are advised that the language quoted is directory, in the legal sense, and that the charter may or may not, without affecting its validity, contain provisions as to the matters, or as to any of the matters, designated below such quoted language.

5. You are advised that the charter may contain such provisions as conform to the language of the constitutional amendment, for the construction, care and maintenance of roads, even though such provisions conflict with the provisions of the political code or of other general laws, and such provisions will supersede the provisions of the political code or of such other general laws. The matters stated in this paragraph numbered 5 furnish but a specific application of the general principle announced in paragraph numbered 1 of this report.

6. You are advised that the charter may prescribe the number and define the extent and boundaries of each of the districts from which a supervisor is to be nominated as provided in the constitutional amendment.

Taking this report very largely as a basis the board proceeded to the completion of its task. The finished charter was filed within the time prescribed in the constitution. The instrument is remarkable for its brevity. It comprises but fifty-seven sections, with not much more than seven thousand words in all, of which more than one-fourth is given to the civil service article and more than one-eighth to the provisions for the recall. It would be inappropriate here, notwithstanding it is so brief, to present anything like a complete *résumé* of the provisions of the charter. Endeavor need be made only to show the important features of the work. This can best be done by statements comparing conditions under the general

county government law of the state with those provided for in the new instrument. Such a comparison is here attempted:

1. Under the state law, all of the important county officers are elective. Under the charter, only the supervisors—who must be elective under the constitution—the sheriff, the district attorney and the assessor are to be chosen by the people. The officers removed from the elective to the appointive list are the auditor, the coroner, the county clerk, the public administrator, the recorder, the surveyor, the tax collector and the treasurer. These will be appointed by the supervisors, but all are to be selected from the eligible civil service lists.

2. Under the state law, the legislature prescribes the number of deputies, clerks and attachés in the various offices. Under the charter, the number will be fixed by the supervisors. The same statement is true as to the number of justices of the peace and constables in the several townships.

3. Under the state law, justices of the peace and the constables are elective. Under the charter, the justices remain elective, but the constables are made appointive by the sheriff, selection to be made from the eligible civil service lists.

4. Under the state law, the sheriff and constables are independent of each other and have been at constant warfare, though their duties were about the same. Under the charter, the constables are made deputy sheriffs, *ex officio*, and constitute a constabulary department, with the sheriff at its head.

5. Under the state law, all salaries, even those of the deputies and clerks in county offices, are fixed by the legislature. Under the charter, all salaries, even those of the few elective officers, except the salaries of the supervisors, which are stated in the charter, will be fixed by the supervisors. This does not include, however, salaries of officers and employees of the civil service commission.

6. Under the state law, the elective list is long and all officers, except the supervisors whose terms overlap, go out quadrennially at the same time. The county ballot is therefore so long as to be fearful to contemplate. Under the charter, because of a short elective list and biennial elections of part of the officers, all of whom hold office for four years the advantages of the short ballot are secured.

7. Under the state law, certain county officers and also the

constables in the townships, collect fees for service rendered, which fees are retained by them as the whole of or a part of their compensation. Under the charter, all fees must be turned in and compensation for officers is by salary only.

8. Under the state law, each supervisor is in charge of road construction and maintenance in his district and is therefore to a great extent an itinerant officer. His activities as a member of the county governing board are thus greatly hampered. Under the charter, all the roads are placed in charge of a new officer, the road commissioner, who is to be appointed by the supervisors from the eligible civil service lists. The road commissioner is to act under rules and regulations prescribed by the board of supervisors.

9. Under the state law, civil service regulations are unknown. The charter provides an exhaustive civil service plan, to be under the direction of three commissioners who are to be appointed by the supervisors for six-year terms, one retiring at the end of each two years. The independence of the civil service department is secured by the apportionment to it, by positive charter provision, of a certain part of the annual tax levy. The members of the civil service commission are to fix all salaries of officers and employees in the department. The civil service provisions allow but a very limited unclassified list.

10. Under the state law, there is no provision for an Efficiency Bureau. The charter provides for a complete efficiency system, under the direction of a bureau composed of the auditor and the three members and the secretary of the civil service commission.

11. Under the charter the supervisors are "to provide, publish and enforce a complete code of rules, not inconsistent with general laws or this charter, prescribing in detail the duties, and the systems of office and institutional management, accounts and reports for each of the offices, institutions and departments of the county." The state law contains no such provision. Aside from the work to be done by the Efficiency Bureau, the clause just quoted furnishes the main "publicity" feature of the charter.

12. Under the state law, the recall is limited to elective officers. The charter extends its operation to appointive officers. It cannot be invoked as to such officers under civil service, however, until after unsuccessful demand for removal, addressed to the civil service commission.

The charter was submitted to the people of the county at the general election in November, 1912, and was adopted by a handsome majority. It received the approval of the legislature in January, 1913, and became, through that sanction, the organic law of the county. It goes into operative effect on the first Monday in June, 1913.

Notwithstanding the limited range allowed to the operation of county charters under the constitutional amendment, the new instrument has, without doubt, set a stake far forward in the solution of the vexing problem of county government in the United States. The framers of the charter had a high sense of the importance of the work committed to their care and pursued it with a noteworthy degree of genuine patriotic fervor. The spirit behind the labor was beautiful to contemplate, and its existence justifies the assertion that the framers made a wordless, but nevertheless actual, dedication of their work, not alone to the people who are to live under it, nor to the people of California, but to the people of the entire United States.

THE GOVERNMENT OF ALAMEDA COUNTY, CALIFORNIA

By M. L. REQUA,
President of the Tax Association of Alameda County, California.

The form of government under which Alameda county is laboring is antiquated, inefficient and inexcusable. There is no coordination between either county officials or city officials, with the result that there is an unending and unwarranted duplication of work. Yet compared with other counties its government will probably be found to be as efficient as any strictly county government in the state.

The county comprises an area of approximately 843 square miles, contains a population of 265,000 people, and embraces the following incorporated cities and towns:

<i>Cities and Towns.</i>	<i>Population.</i>
Oakland.....	156,674
Berkeley.....	40,434
Alameda.....	23,383
Haywards.....	2,746
Piedmont.....	1,719
Pleasanton.....	1,254
Emeryville.....	2,613
San Leandro.....	3,471
Livermore.....	2,030
Albany.....	808
	235,132

Its location upon San Francisco Bay makes it an important shipping point, and the climatic and soil conditions of the county are such that it will support a very much greater population than it has at present. It is ranked as third in the counties of California, being exceeded in population only by San Francisco city and county, and Los Angeles county. It is destined to have an exceedingly rapid growth, both in the cities and in the country, with a resultant rapid increase in the amount of money required to be raised by taxation.

For the fiscal year 1911-12 the amount of money collected by the county and the cities, including bonds sold, was as follows:

Alameda County (1910-11).....	\$4,000,500
Oakland.....	4,386,907
Berkeley.....	692,046
Alameda (1910-11).....	538,073
Haywards.....	24,924
Piedmont.....	63,590
Pleasanton.....	14,697
Emeryville.....	30,097
San Leandro.....	32,092
Albany.....	20,960
Livermore.....	38,500
	\$9,842,386

The per capita expenditures for the same period were, for

Alameda County.....	\$16.25
Oakland.....	28.90
Berkeley.....	17.15
Alameda.....	23.10
Haywards.....	9.07
Piedmont.....	37.00
Pleasanton.....	11.68
Emeryville.....	11.55
San Leandro.....	9.27
Albany.....	25.90
Livermore.....	19.27

The problem of securing efficiency in county government is essentially one of simplifying routine, eliminating duplication, and of so standardizing and coordinating accounts that a consolidated balance sheet of the county can be obtained.

Aside from San Francisco city and county there is no consolidated city and county government in any county in the state. In years past, efforts have been made to create a city and county government for the cities of Oakland, Berkeley, Alameda, Piedmont, Emeryville and Albany. Because this proposal first contemplated the division of the county, and the consolidation of the cities in the western end thereof, it has been antagonized vigorously by the citizens of the eastern end of the county, as well as by those of Alameda and Berkeley, who have been unwilling to consolidate with Oakland, believing that the latter would become the dominant

factor, and that the identity of Alameda and Berkeley would disappear. Therefore, in addition, to the efficiency and economy features, it is also necessary, in order to secure public approval and cooperation from all parts of the county, to devise some method that will give to the cities, and to the county a certain measure of consolidated government, without in any way destroying the identity of the individual communities, while at the same time making it possible for the county to perform, by centralization, at a single operation, a great deal of work that is now done by duplicate operations, in a manner far from satisfactory. This plan, among other things, will ultimately require:

1. A county charter provision allowing the county to assume certain functions on behalf of the cities.
2. Permission for the cities, either optional or mandatory, to delegate to the county the performance of certain work for the cities.

It was found by the Tax Association, in the very beginning of its work, that the form of accounting in Alameda county, and in the city of Oakland, was inadequate, unscientific and antiquated. Modern standards of municipal accounting are entirely lacking, unit costs and consolidated balance sheets unknown. This condition has largely come about because of the fact that the heads of all of the departments in the county, consisting of sheriff, surveyor, coroner, district attorney, tax collector, public administrator, county clerk, treasurer, assessor, recorder and superintendent of schools, are elective, and are responsible solely to the people for the administration of their offices. The board of supervisors, which in theory is the governing body, is so hampered by state laws that it has little practical control over the various departments. I may cite the instance of the recommendation made by the Tax Association that the making of the daily transcript of records in the recorder's office be taken over by the board of supervisors, and the county make the transcript instead of the private citizen. This would have saved possibly \$150 per month. But this simple salient change could be brought about only by the introduction of an amendment to one of the laws of the state providing that the recorder should exercise this control.

Because of the fact that the heads of these various departments are responsible solely to the people, there has grown up a series of

widely different and unrelated systems for the conduct of business in the county offices. Each department has had its own system of accounting, independent of any other. There has been no consolidated balance sheet in either the cities or the county, with the result that neither know to-day accurately what they own or what their actual assets and liabilities are. It has been shown by the investigations and reports of the Tax Association of Alameda County that it would be necessary to handle every warrant issued and canceled during the year to obtain a complete and exact statement of the affairs of the county. In other words, it would involve an entire reconstruction of the accounts for that period. It has been shown in the bulletins of the same organization that the county recorder's office could be run at an annual saving of \$26,984, or 38 per cent; that the County Emergency Hospital could be run at an annual saving of \$10,473, or 61 per cent; that indigents' supplies could be purchased at a saving of \$5,600, or 19 per cent, and that registration could be conducted at a saving of \$35,000 each two years. These are only a few of the county offices, and represent a very small part of the county expenditures, yet the above figures show that a total annual saving of over \$60,000 could be made by changes in the method of administration.

Practically similar conditions exist in the various incorporated cities and towns of the county, so that, regardless of any elimination of duplication of work, there is possible a very large saving in public expenditures.

The county is operating in a general way practically under the same regulations and rules that governed it thirty years ago, or more. The population has greatly increased, conditions have materially altered, but the method of conducting county business remains as it was when Oakland was a village. Obviously the system is unfitted to solve the problems confronting a community of 265,000, a community that is growing probably as rapidly as any part of the State of California. Its population during the census years, commencing with 1870, has been as follows:

POPULATION OF ALAMEDA COUNTY

1870.....	24,237
1880.....	62,976
1890.....	93,864
1900.....	130,197
1910.....	246,131

Under date of August 14, 1911, Lester Herrick & Herrick presented a report to the Tax Association on the accounting system of Alameda county, from which I quote as follows:

At the present time there is no coordinating system of accounts which will exhibit either the financial position of the county or its relative operations in such form that consideration with respect to the matter of an economic expenditure of moneys can be successfully had.

The auditor's office is naturally assumed to perform the functions indicated by its title and to be a central accounting office, but, in fact, although maintaining certain important control over transactions, its records present practically no further information than is shown by the treasurer's accounts of cash receipts and disbursements.

An annual report is prepared which exhibits the cash transactions for the year in great detail, but without any information of costs or results. It must be understood in this connection that under the present methods, it is not practicable to prepare a financial report of the character provided for by the standardized method.

DEFECTS IN PRESENT METHODS

The defects in the present methods, when considered in the light of a modern standardized accounting system, are many, and we now only refer to those most important, as follows:

First.—The fact that the control of the auditor's office over the collection of revenue is not complete.

Second.—The fact that the auditor's office has no information concerning expenditures until after the liability is ready for payment, and the practical limitation of its approval to the consideration of the legality of the demand.

Third.—The fact that the auditor's office maintains no records which will exhibit the approved classification of expenditures.

Fourth.—The omission of any substantial record of accruing or uncollected revenues.

Fifth.—The omission of any accounting to enforce the accountability for the property of the county in the custody of its various officers. This relates not only to equipment, but to expendable and convertible supplies.

Sixth.—The fact that no records are maintained to exhibit the assets and liabilities and the relative incomes and expenditures.

Seventh.—The absence of any standard form of reports which will exhibit the revenues and the expenditures (as against receipts and disbursements), arranged in accordance with the functional activities of the county, and prepared in such a manner that the relative costs may be exhibited and, resultingly, the relative efficiency of the administration determined.

The accounts of the city of Oakland were also examined by Mr. Herrick, and from his report thereon I quote as follows:

Generally speaking, the city is entirely without provision for the preparation of reports of a form which would be continuously necessary to the progress

of a mercantile or public service enterprise, or of a character which is now recognized as being essential to the most efficient and economical administration.

First.—There does not exist a complete or comprehensive accounting organization with relation to the municipality as a unit.

Second.—The general efficiency of the prevailing accounting methods of the various departments is only nominal. This conclusion is reached by a consideration of all departments, the accounts of some of which are well arranged, but even in those cases they are subject to improvement, and the deficiencies existing in many departments reduce the average efficiency. Additionally, any efficiency which might exist in the department accounts as now arranged would be substantially nullified by the lack of a central accounting office which would control the accounts of all departments, and which would collate all results and reports.

Third.—The only general financial report of record is the annual report of the auditor's office, and while this is in many respects commendable as a statement of receipts and disbursements, it cannot be stated as a satisfactory financial report, upon the basis of proper requirements. No regular reports of any administrative significance are provided for by the prevailing methods. . . .

Fourth.—By reason of the absence of regular reports and documents, and of the means by which such could be prepared, we find that the accounts are of no substantial assistance to general executive control, with relation to economy and efficiency. We do not mean to infer that we have found a want of desire for economy and efficiency, but on the other hand believe that the departments are diligent in that direction, and in one department in particular a reorganization has just been perfected which will unquestionably result in a substantial increase in efficiency. Many of the departments and the general executives of the city as a whole are not provided with adequate means by which they can properly judge of the relative degree of economy and efficiency attained. . . .

Fifth.—We find that it will be necessary, provided a modern satisfactory accounting organization is desired, which would be directed toward the preparation of complete reports of administrative value, to create a comprehensive accounting procedure which will cover all operations and financial transactions with which the municipality is concerned. The present methods are so lacking in the proper requirements of modern methods that it would be uneconomical to attempt to effect any improvement by merely modifying or enlarging upon the present methods. . . .

In general conclusion, we are of the opinion that the accounts of the city of Oakland are not adequate or sufficient to record all transactions in a proper manner, or to result in the exhibition of information or reports of a character to properly assist in the general advancement of economy and efficiency.

The entire system of assessing is unspeakably bad. It represents no scientific or continuous policy, and can be vastly improved. The work of the Alameda County Civic Association in the correcting of assessments has been an extremely important development and an entering wedge for better assessments, but there yet remains

much to be done. The city of Oakland and the county of Alameda have both promised to publish maps based upon the Somers system of valuations, and the New York system of valuing improvements is under consideration. It is believed, however, that all of this assessing should be done from one office, and that under such a plan it could undoubtedly be accomplished much more efficiently and intelligently.

The general form of government in Alameda county at the present time is as follows: A board of supervisors is elected by districts, there being five members. The following heads of departments are also elected: County clerk, sheriff, tax collector, treasurer, recorder, auditor, district attorney, assessor, superintendent of schools, coroner, public administrator, surveyor and six superior judges. It will be noted that, under this system, there are practically no heads of departments appointed, and each department is independent of any serious control, being responsible only to the people. The cities in the county have different forms of government, Oakland and Berkeley being under the commission form, while Alameda operates under the provisions of the state law covering cities of the fifth class. The remaining incorporated cities and towns operate under the laws relating to cities of the sixth class. The various cities are equipped with their own assessors, auditors, treasurers, tax collectors, etc., etc.

Having a knowledge of these conditions, the Tax Association began the consideration of plans for a more efficient type of county government. Under the so-called County Home Rule Act, being section 4, article xi, of the constitution of the State of California, counties have the right to prepare for themselves a county charter. This charter must be presented by a board of freeholders, voted upon by the citizens of the county, and thereafter referred to the legislature for approval. Upon such approval the document becomes the governing law of the county. A careful study of this section by the legal committee of the Tax Association developed the belief that it was not adequate to meet the conditions as existing, and an amendment to it was prepared, permitting cities to delegate certain functions to the county, and, if desired, permitting the county to delegate certain functions to the cities.

Because of the uncertainty as to the final recommendations that will be presented, it is extremely difficult at the present time

to anticipate the deficiencies of the County Charter Act, and to so amend it at this session of the legislature as to make it possible for the Tax Association to work under it. The theory under which this investigation is being made is that it is not possible for a board of freeholders, within the period of one hundred and twenty days allotted by law, to prepare and present a charter that will be an adequate, efficient and scientific diagnosis of the situation, and embody a suitable remedy. It is believed that the investigation as outlined is the first investigation of the kind ever made in the United States, preliminary to the preparation of a charter. That such investigation is desirable, and absolutely necessary for ultimate efficiency, scarcely needs mention. The city of Oakland has found that it is not a simple matter to properly frame a charter, and no less an authority than its mayor confirms this statement in a recent severe commentary upon the document before the Board of Commissioners. His remarks grew out of the necessity for advertising an ordinance at a cost of \$25, to make possible the appointment of a \$65 clerk for a period of one month. The mayor at that time spoke as follows, after a lively discussion among the commissioners regarding the situation which confronted them: "Much as we might all like to go on a strike, we will have to go ahead with this business and do the best we can with the charter we have. It was compiled by a bunch of men who did not know what they were trying to do, and who compiled it with a paste pot and a pair of scissors."

Among a large number of suggestions submitted to the Tax Association for consideration, those presented by Mr. H. S. Gilbertson, assistant secretary of the National Short Ballot Organization of New York, seemed to offer the most feasible basis for the commencement of the campaign. For the purpose of education, and to attract the interest of the community, the Tax Association has published Mr. Gilbertson's suggestions in pamphlet form, under the designation: "Bulletin No. 7, being Suggestions for Consideration in Preparing a Charter for Alameda County." The aim of the Tax Association is set forth in the introductory remarks in this bulletin, in the following language:

For some time the Tax Association of Alameda county has had under investigation various ideas for increasing the efficiency of the city and county government.

The proposal long discussed of separating Alameda county and consolidating the cities in the western part of the county into a city and county government, has many objectionable features, and it has been the effort of the Tax Association to discover some plan whereby it would be unnecessary to divide the county. It is recognized that the rural population should not be asked to bear the burden of city taxation, and the effort of the Tax Association has been directed toward devising a plan that would:

- (a) Consolidate, as far as possible, city and county offices.
- (b) Leave undisturbed the identity of the various cities, so that they might, in purely local affairs, govern themselves.
- (c) Give to the rural communities a more efficient form of county government without placing the burden of increased taxation upon them.

The plan, if it is to be a success, must achieve several results, among them

- (1) Greater efficiency, with consequent economy.
- (2) Elimination of all duplication of effort.
- (3) A more compact and centralized responsibility in distinction to the utter lack of system and division of authority now existing.

For the purpose of preliminary discussion the Tax Association presents from among a number of documents in its files an argument prepared by Mr. H. S. Gilbertson, of the National Short Ballot Organization of New York. Mr. Gilbertson was for a long period a resident of Oakland, and is therefore familiar with local conditions. This argument is believed to be, broadly speaking, applicable to local conditions.

It will be noted that there is a suggestion of county division contained therein, but with this the Tax Association does not fully agree, believing that it is possible to work out a consolidated government along lines indicated that will provide for the entire county without the necessity of any division.

In order to carry out this work intelligently, a body of trained experts must be secured to investigate carefully existing conditions in the various cities, and prepare a county charter for Alameda county that will thoroughly cover the situation.

The method of procedure will be the organization of a local staff of thoroughly competent investigators who will prepare reports which will be used as a guide in formulating the proposed county charter. In addition to the local staff, experts from other cities will be called into consultation. . . .

We would not place the building of a great ship in the hands of a farmer, nor would we expect a sailor to construct one of our modern hydro-electric plants, and if we were seeking an executive head for a great railway, we would not choose a teamster or a watchmaker. Yet we make equally as grotesque appointments in electing our public office holders.

Fitness due to temperament, education, and experience is lost sight of, and we elect men year after year who are utterly incompetent to fill any public office. This must be changed, and we must fill our public offices with men technically trained, who will advance under civil service and the merit system.

In order to secure these men, and in order that they may have an incentive to properly prepare themselves for the work, it is absolutely necessary that

the positions they fill will afford the same certainty of continuous employment and advancement, as is guaranteed to men of equal ability who enter the service of the large corporations. In short the public service must be freed of all political taint, and must be made equally as attractive as private service.

The preparation of a charter to be offered to the citizens of Alameda county will avowedly have as its basic principle the application of these standards.

It must be a document that will demand the same efficient service, clearly defined responsibility, unit costs, and accurate cost sheets that now characterize the best managed private concerns.

The proposal being put forward by the Tax Association of Alameda County at the present time, through its charter committee, is simply a request to the citizens of the county to subscribe, in sums of one dollar, to a fund of fifty thousand dollars, to be used for the purpose of making a complete and expert examination of all of the various departments in the cities and in the county, and from the information thus secured to prepare a county charter that will, as far as possible, eliminate the duplication of effort and create standardized methods of doing business. A campaign is about to be undertaken, with the assistance of practically all of the civic organizations in the county, including improvement clubs, chambers of commerce, merchants' associations, etc., for the raising of this sum of money. Subscriptions have been purposely limited to one dollar, in the hope that the interest of the entire community will be aroused. The recommendations that will be made will in all probability be revolutionary, and if they are to be accepted the people of the county must be educated beforehand to what they really mean. It is believed that an educational campaign of this character is an absolutely necessary part of this movement, because of the many radical changes that will in all probability be suggested.

That the plan set forth in Bulletin No. 7 contains many advantageous features there can be no question. It is unique in that it advocates the selection of a county manager, who shall be a man particularly fitted for the office, commanding a salary possibly as high as \$15,000 per year, and having under his jurisdiction the heads of the various governmental departments.

It is contemplated that the various communities shall elect their own local governing bodies, just as they do at present, and that from these local bodies there shall go to the central governing board delegates who will act as a county board. This board would appoint the county manager and a board of civil service

commissioners. It is contemplated that the board of civil service commissioners shall have an efficiency division, identical in operation with that of the Civil Service Commission of the City of Chicago. The only officials that will be elected by the county as a whole will be the superior judges and the district attorney. The superior judges would have under them, and subject to their appointment, the public administrator, clerk of the courts, and the sheriff. The district attorney would have a commissioner of accounts, appointed by him and reporting to him.

This plan admits at once of the short ballot for county officials. Under it there would, at no time, be over three names on the county ticket, *i. e.*, the district attorney and two of the six superior judges. The advantages accruing from such a ballot are too obvious to need explanation. The ballots for the various cities would become short ballots, because of the fact that practically the only officials to be elected would be a board of commissioners or trustees. All other officials would come under the appointive class.

To accomplish all of this will require the amending of the constitution of the State of California, the amending of the charters of the various cities and towns, and the adoption of a charter by the county of Alameda. Exactly what will be the scope of the proposed charter cannot be foretold at the present time. It may differ materially from the plan herein outlined, or it may follow it closely. In any event it means an investigation extending over a period of six months, thereafter a considerable period of time in which to write the charter, and this will be followed by the calling of a board of freeholders to present the charter to Alameda county. At that time the charter committee of the Tax Association will have a ticket in the field, pledged to present their particular document if elected. Following the adoption of the charter by the people it must go to the state legislature for ratification, and upon being ratified it becomes the charter of the county. It is estimated that it will require a minimum of two years to accomplish all of this, so that the best that can be hoped for is that a new charter for the county of Alameda will be approved by the legislature that meets in 1915.

CHECKS ON COUNTY GOVERNMENT IN INDIANA

BY JOHN A. LAPP,
Director, Indiana Bureau of Legislative Information.

The county-township system of local government prevails in Indiana. Responsibility is divided between the county and township in strict adherence to the mixed origin of the state's political system. The predominance of southern immigrants which, as late as 1850, showed twice as many inhabitants of southern origin as of New England origin, gave greater importance to the county as the principal unit. The county and township together have a large measure of administrative power and this power is predominantly in the county.

There are in Indiana ninety-two counties varying in area from eighty-five to six hundred and sixty-one square miles and in population from 4,329 to 263,661. The constitution fixes the minimum limit of area at one hundred square miles below which counties may not be subdivided. The county in Indiana is in most cases a small compact area, the average size being less than four hundred square miles. The counties are subdivided into 1,017 townships varying from six to twenty-two townships to a county.

The constitution names the elective officers of the county as follows: clerk of the circuit court, auditor, recorder, treasurer, sheriff, coroner and surveyor and provides further that such other officers as may be necessary shall be elected or appointed.

While not specifying the board of county commissioners, the constitution confers "upon the boards doing county business in the several counties, powers of a local administrative character." These boards, which were established in the beginning of the state's history, consist of three members elected by the voters of the whole county but selected from districts. Besides these officers there have been created by law a county sealer of weights and measures, county health officer, board of county charities, board of children's guardians, county superintendent of schools, county board of education, county truant officer, county board of review and, most important of all, the county council.

County work in Indiana has been divided into seven different classes:¹ conduct of business, public works, public utilities, protection of persons and property, care of unfortunates, education and administration of justice. The power devolving upon the county officers and boards under these heads is enormous. The Indiana county is a large business affair. The total expenditures in 1909 for ninety-two counties were \$51,298,899.46 or more than a half million on the average for each county. The smallest county showed an expenditure of \$73,327.64 while Marion county collected and used \$5,380,691.11.

Among the particular duties imposed upon the county, in addition to the usual duties found in most states in connection with the conduct of ordinary business, the enforcement of laws and administration of justice which are carried on by the board of county commissioners and the respective county officers, the following may be mentioned: (1) The county has control of the construction and care of bridges throughout the county, and of all free gravel or macadam roads which have been constructed as county roads under the gravel road law; (2) the commissioners grant franchises for public utilities and regulate the construction of telephone and telegraph lines along public highways; (3) the county is the unit for the enforcement of the health laws of the state outside of cities and towns and for the collection of all vital statistics and for the enforcement of honest weights and measures; (4) the boards of children's guardians which are appointed by the circuit judge have extensive powers in the matters relating to delinquent, truant and deserted children; and over all the county charities, the board of county charities, also appointed by the circuit judge, exercises supervising powers; (5) the county board of education appoints the county superintendent and county truant officers. The county superintendent has entire supervision of the schools outside of cities and towns; (6) the county is the tax-collecting agency of the state. All state, county and township taxes, and in some cases city taxes, are collected by the county treasurers and paid over to the respective units.²

With this passing view of the particular and general functions of the Indiana county, we will now proceed to the main theme of this paper—the checks on the conduct of county business.

¹ Davison, *Government in Indiana*, p. 11.

² The county treasurer is the city treasurer in cities of the first, second and third classes which are county seats.

Local Checks

The core of county government in Indiana is found in the board of county commissioners. These officers exercise a tremendous power. Their duties are largely executive and administrative. They have full control of the county buildings, roads, bridges and all other county property; they let contracts for supplies for all purposes; mark the boundaries of townships and election precincts; audit accounts and allow all bills of all county officers. They are road superintendents of the county roads, each commissioner being assigned to a certain district of the county;³ they appoint many officers including the county attorney, county physician, superintendent of jails, workhouses and asylums, superintendent of weights and measures, and election and registration inspectors and clerks for each precinct. Little can be done without the approval of the commissioners. When the power of control is not given to them directly or to their appointees, their approval is required either directly or in auditing and allowing accounts. They meet monthly for the transaction of business and in special meetings whenever necessary.

Until 1899 the boards were unchecked by any state or local authority. The large powers which they exercised led to many grave abuses. The office offered opportunities for graft and promoted inefficiency in many ways. County government became a scandal throughout the state and culminated in a political issue in 1898. The county and township government commission, a voluntary organization, set forth the conditions in the following resolutions:

The numerous evils attending the transaction of county and township business under the present laws—the improvident contracts for the construction of court houses, jails, bridges and other public works, the excessive and demoralizing distribution of the poor fund in many localities, the arbitrary power of township trustees in levying taxes, the wasteful expenditures of public moneys upon the highway and in the purchasing of unnecessary and worthless supplies for school and other purposes, the secrecy and irresponsibility which so often attend the management of public business—all these things call for a radical change in the laws for the administration of county and township affairs. Such a change has been advocated in the platforms of both the leading political parties of the state, and this commission, composed of delegates chosen by the State Board of Commerce, the State Bar Association, the State Federation of Labor, as well as of certain senators and representatives, and others designated by Chairman Hernly, of the Republican State Central Committee, are now en-

³ After January 1, 1914, the county commissioners will appoint a county road superintendent under a law of 1913.

gaged in considering measures for the reform of these laws, and earnestly ask for written suggestions in reference to this subject from all persons interested therein.

Governor Mount said in his biennial message:

The need of reform in laws and methods of county and township government is manifest to all. There are not the proper safeguards around the powers delegated to the county commissioners. They have power to levy taxes, make contracts, spend money, make allowances and audit the books. . . . The prodigality with which county funds are expended in some counties is the outgrowth of following precedents on the ascending scale. I believe it safe to conclude, if proper safeguards are placed about these offices, and wise business and economic methods adopted by counties, courts and townships there could be a saving of twenty per cent.

The legislature after a sharp fight, in which party lines were drawn principally for political effect, enacted the laws providing for the reform of both county and township government. These acts established the county council and the township advisory board, designed as checks upon the unlimited powers of the county commissioners and township trustees especially relating to finances. By the county reform law, which remains with only slight amendment, the county council was made to represent the people of the whole county as well as of certain districts. Seven members are provided for, three to be chosen by the voters of the whole county and four to be selected by the voters of the councilmanic districts. They serve at a nominal compensation. This council is the tax-levying and money-appropriating body for the county. It is in this respect the legislative authority. No money can be drawn from the treasury except on appropriation by the council; bonds are issued by the council and the borrowing power is exercised only by them. The council thus stands guard over the treasury. Their work is negative. They have no constructive power, but wherever they have been alert and active, they have been able to keep the county finances from being dissipated. Their chief power consists in their control over the budget. Indiana counties come as nearly in theory to a scientific budget as any municipalities in the country. The law specifies the forms and date for the budget. Every county officer, board, or court, is required to file carefully itemized estimates of their expenditures for the coming year before the Thursday following the third Monday in August. These estimates are compiled by the county auditor and presented to the council at their annual

September meeting. The council may require further specifications from any officer. Indeed there is no fact relative to the needs of any office which is not required by law or which may not be required by the council. The council is thus in a strategic position to exercise a wholesome check upon all county government.

In the practical administration of the law for the last fourteen years, the council's work has, in different counties, been good, bad and indifferent. Given a council of capability and of zeal for public service, and the opportunities for effective work which the laws afford are many; but it too frequently happens that the right kind of men cannot be found or cannot be induced to accept the onerous task which an efficient conduct of the office places upon them. It was freely predicted by the enemies of the law that the council would be filled with incapable men who could be easily controlled. In some cases this has been true. The council is sometimes narrow, seldom profligate from choice. Often, however, they are indifferent and do their work in a perfunctory manner. The system offers opportunities for efficient service but it does not insure that the county business will be scrutinized with the care that the law intended. The county council has done good service but is not a guarantor of efficient and honest county government. That this statement is true is evidenced by the demand which brought the state board of accounts into existence in 1909.

State Checks

General.—The state has only slight control over the county in the enforcement of the laws. Sheriffs are elected by the people and prosecuting attorney by the judicial circuit; and although recognized as state officers, for the enforcement of state laws they are not subject to direction by the governor or other state officials. Recently the governor was compelled to order out the militia to enforce a law against race track gambling, because he had no authority to compel the sheriff and other local authorities to perform their duties. There is no power of removal of any county officer by state authorities as in New York and other states, nor any effective power of direction. As far as general enforcement of law is concerned, the county is practically unchecked by the state. There are, however, many checks in different phases of administration and there is a marked and rapid extension of these checks.

Accounting.—The state established in 1909, a state board of accounts with power to install uniform systems of accounts in all county as well as other local offices, and with powers of close inspection and supervision of accounts. The reasons for the establishment of this board were connected largely with county government where, despite the county reform act, there were numerous evidences of crooked and inefficient management. The board took up its work in the spring of 1909. The records of the office since that time show more than one million six hundred thousand dollars charged against local officials and partly recovered. The board states that in their belief fully ninety-five per cent of this was not due to deliberate wrongdoing but "to an indulgent indifference, resulting in an almost endless confusion producing incomplete records and incorrect accounts." The board has taken a hand in standardizing all forms for county work and their efforts have resulted in checking, not merely the evils of accounting, but also of contracts and the purchase of supplies. The law has been successful to a high degree and has been strengthened during each session since its adoption.

Taxation.—Local power to tax is limited as is also the power to borrow. The borrowing limit is fixed by the constitution at two per cent of the taxable property, and the taxing limit is fixed in general and special laws, sometimes with both a maximum and minimum limit but usually with only a maximum limit. Important powers are given to the state board of tax commissioners in equalizing assessment of property for taxation, and especially in passing upon appeals from the assessment made by local authorities. Any party aggrieved may appeal from the county board of review to the state board.

Other Checks.—In public health and charities, the state exercises a supervising control through the state board of health and the board of state charities. Local health officers are deputies in the enforcement of the state health and pure food laws and in the enforcement of the weights and measures law. All county institutions are subject to visitation by the board of state charities and reports are required to be made. In most cases, however, these powers are merely exercised to enforce state laws and not as means of control of county business.

The county is also the unit of supervision of public schools, but here again the state is the final authority. An appeal lies directly

to the state superintendent of public instruction from decisions of the county superintendent. The power of examining and certifying teachers is being rapidly transferred to the state superintendent and the state board of education.

Conclusion

Ample machinery exists in Indiana to keep public officials from departing very far from the paths of rectitude. County business must pass the scrutiny of so many public officers and boards in the county, to say nothing of the examinations by the state board of accounts, that it is hardly possible for graft and other crooked practices to exist. Comparable statistics prepared by the state board will soon show also where inefficiency and waste are draining the public treasury. Thus far county reform has been in the nature of prevention. There are ample negative powers to keep official business from going wrong, but very few to make local officials do the right things and do them effectively. Public opinion rightly directed by the known facts as shown by the comparisons available through the state board of accounts, may supply the one element necessary to make county business both honest and efficient.

THE MOVEMENT FOR COUNTY REORGANIZATION IN NEW JERSEY

BY WINSTON PAUL,
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During the year 1912 there was an awakened interest in the problems of county government throughout the State of New Jersey, and a number of the twenty-one counties voted to change the form of county government by substituting a small county board of chosen freeholders for the old system of large and unwieldy boards; the former being elected at large in the county, whereas the old boards were elected by districts. The advocates of the new form of government asserted that it would fix responsibility more definitely, and its adoption was opposed by the machine politicians. While the new boards have been in office only a few months and in some counties have been handicapped by the fact that the old boards have questioned the legality of their successors in office, the results have not been as satisfactory as the proposers of the new plan had expected. It is already apparent that the habits of extravagance of the former boards have been handed down and adopted by some of the new small boards of freeholders. Possibly one reason the new plan has not worked out better is the same factor which has frequently served to defeat increased efficiency in city administrations when commission government has been adopted, namely, that the citizens of the community have thought that, by the simple adoption of a certain form of government, they would, by that fact alone, secure efficient and economical administration. Better government is obtained only by the election of honest and competent officials, guided and aided by a constant watchfulness on the part of citizens.

The question of the legality of the new small boards has been carried into court and on the 11th of March the supreme court of the state decided that the adoption of the smaller board act, which was submitted to a referendum election in each county where it has been adopted, was illegal, in that the voters passed on an act of 1902 which had been so amended in 1908 as no longer to be applicable to the counties which voted thereon. There could therefore be no con-

currence on the part of the voter with the act of the legislature. The new small boards were accordingly put out of office except in two counties, Hudson and Essex. At this writing a new bill is being drawn up for passage by the present legislature for the purpose of remedying this situation which nullifies the clearly expressed wishes of a majority of the voters in the several counties in favor of small boards of freeholders. An effort will be made to incorporate some new features in this act.

In only two counties of the state is an earnest and efficient effort being made by citizens to cope with the problems of county government and to meet the opportunity afforded by the changes in the form of administration of county affairs. Essex county, the wealthiest county in the state, which includes Newark, Montclair, and the Oranges, is entirely devoid of cooperative action on the part of its citizens to better the conditions of county government—or for that matter, municipal government either. Hudson county has an earnest and progressive body of men who have an incorporated organization known as the Citizens' Federation of Hudson County, and Bergen county has a vigorous organization known as the Federation of Civic Clubs. Outside of these two counties there is a regrettable lack of cooperative action on the part of voters to improve or to constructively study the form and methods of county government.

At the present time New Jersey offers a most unique opportunity for a constructive treatment of the problems of city and county government. Last fall the democratic party pledged itself to the calling of a constitutional convention. That party is now in control of both houses of the legislature and if it fulfills its party pledge by calling a convention, it will be possible to effect many changes in the constitution in the state which will be of incalculable aid in simplifying the public business. The calling of such a convention would afford a signal opportunity for an original and business-like treatment of the whole problem of county government. It would then be possible to allow each county to determine its own form of government and those counties having more progressive sentiment on the subject would not be held back by the less advanced thought of other counties.

The calling of a constitutional convention would be a great opportunity, but the reform of the jury system of the state is New Jersey's most crying need and her greatest danger. The jury system has for many years been the football of politics. The sheriff controls

absolutely the selection of grand and trial juries and it is notorious that in many counties this power has been brazenly employed to defeat justice and to maintain a corrupt machine.

At the present time the sheriff has unrestricted power to name those who are to serve on a particular grand jury, and with the knowledge that a certain case is to be taken up, a grand jury may be "packed" in anticipation of the consideration of such a case. As under the state constitution the sheriff cannot be re-elected, the voters cannot express at the polls their condemnation of this misfeasance, so during his three years he can be as arbitrary and as absolute as a Russian czar. Every other state, with the exception of one, has refused to continue this aristocratic power in a democratic community. Nominally the sheriff is an officer of the state; actually neither the governor nor any other state official has supervision or power of removal of the sheriff. It has been found necessary very recently in two counties in this state for the court, in the name of justice, to step in and take away from the sheriff the power of drawing grand jurors. A commission appointed by the legislature of 1912 to inquire into the jury system of the state has reported "It is very important that the present method (of selecting jurors) should be abolished and that a more modern and intelligent system should be adopted."

This issue of jury reform is fundamental and so long as the present intolerable condition continues, the best efforts for the improving of county or municipal government will be thwarted.

The two propositions of calling a constitutional convention and of the passage of a jury reform bill are contained in the platform of the democratic party, the dominant party in New Jersey, and both questions are before the legislature of 1913. If these two matters can be settled satisfactorily by the legislature, New Jersey will enjoy an exceptional and a splendid opportunity for progressive statesmanship in the field of county and municipal administration. In order to utilize this opportunity there should be a cooperating body of citizens in every county in the state, or else a strong state organization for the purpose of informing voters, arousing public sentiment, and of guiding and directing official action.¹

¹ Since writing this paper the Legislature of 1913 has adjourned *sine die*. The Governor has announced that he would recall it in special session the first of May for the purpose of carrying out the pledges of the party platform on the subjects of jury reform and constitutional revision, on neither of which matters did the legislature take any action.—EDITOR.

COUNTY GOVERNMENT IN NEW YORK STATE

BY OTHO GRANDFORD CARTWRIGHT,

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To state governmental problems with absolute accuracy is very difficult. Local conditions create many modifications which apply to almost any general principle of government that may be laid down; and even the most widely prevalent problem, if stated in sweeping terms, may not be recognized at all in some far separated portions of the geographical or civil division, wherein its existence is general. Nevertheless even a superficial study reveals several prominent and serious defects in our county system of New York State, which, I think, will be generally admitted. Some jurists, with whom these features have been discussed, have declared the defects vital. Be that point as it may, it can easily be shown that they are of such nature as to call for expeditious and grave consideration.

In New York State, as in most of our states, there appear to be two basic faults in the county system. One of these, whether the more or the less important of the two, is that the territorial limits of a county are usually entirely arbitrary, amounting merely to surveyors' lines. The territory included within such limits has no particular unity, and the population within the bounds of the county has no common interest other than to keep the county taxes down to as low a limit as possible. Even this interest is not inspired of any common loyalty to county administration. Perhaps oftener than otherwise it takes the form of resentment and objection—engendered at the time of the presentation of the tax bill and lasting only until a little while after the taxes are paid—against the various phases of administration that have helped the taxes to accrue. There is no common feeling of interest in or loyalty to a county to be developed from such a source.

The other basic defect is that a county of New York State has no head. This point has been discussed in a previous article on county

government in this magazine.¹ It was pointed out there how the various departments of county government, particularly in the larger counties, are independent of one another or of any central authority; how each department's chief administers the affairs of his department in his own way; how the indefiniteness of the statutes enacted to regulate these various departments permits wide variation in administrative practice; and how, in some cases, actual conflict of statutes renders it almost impossible for an administrative officer to comply with any law but what he himself adjudges to be the proper one.

An extended analysis and classification of the functions of the various county officers shows a surprisingly large number of such functions to be in reality services for the state; that is, the regulation of local affairs under state supervision and state direction, even though performed by officials elected from the county by county vote. Many of the so-called county officers are direct subordinates of state officers. A state official, under central control, is not a local representative of the people within the territorial jurisdiction to which he is assigned or from which he is elected. To elect a local officer by the locality vote, with the purpose in the mind of the voters that he shall serve local interests, but to have him by the fact of his election made an officer acting under state authority makes his position anomalous.

Not only the American nation as a whole, but also all our civil divisions down to the smallest village have some kind of a central interest to unify each such division and the population of such division into a distinct political entity—except the county. The county, as it exists, appears to be rather an administrative subdivision of the state than a locally autonomous group of people or of communities. As to what the functions of the county ought to be in this respect, or were intended to be, those most competent to decide such a question do not themselves appear to be clear. I have not been able to trace satisfactorily, as yet, the history of what a musician might call the "county motive" present in the minds of the statesmen responsible for the erection of the county systems of New York State. But the present resultant county structure resembles an attempt to subdivide the state for the facilitation of central administration, but to accomplish the purpose by creating in the minds of the residents and taxpayers of the county the belief that they elect their

¹ THE ANNALS, May, 1912, pp. 194-197.

own county officials to carry out principles of local self-government. The nation has its legislature, its judiciary department, and its chief executive appointing his own departmental heads, and nominating and appointing thousands of other officials. The state has its legislature, its judiciary, and its chief executive appointing many departmental and subsidiary officials and exercising much control over them. The county, in New York State, has a sort of non-descript legislature (the board of supervisors), a judiciary, and *no* executive head, and *no* distinct central control. A township has a modified form of commission government with a chief executive (the supervisor) with a considerable amount of central authority over township matters. A village has its legislative council, its local judiciary, and its chief executive who has a large degree of central authority over village matters. The city has its legislative body, its judiciary and its executive head with a degree of authority over city matters proportionate to that of the governor over the state, of that of the president over the nation.

Why do we sustain and try to warp into a condition of efficiency a governmental structure so widely different from the general American plan as that of the New York State county? It is a broken link in the chain of administrative systems that go to make up our American commonwealth. What good reason can be advanced for creating a municipality, as large and important as the county, and not erecting within it and over it a government corresponding in its general features to that plan which we use in every other municipality or civil division throughout our country?

If county matters, as we know them, are primarily state matters, why not make the primary basis of county government an out and out state-deputy system without any pretense at local autonomy? In reality, it is not absolutely clear why state-deputy rule for counties would not be the most efficient kind of rule. But even with state deputies there would have to be a central directive power for the county district to guard different departmental deputies from conflicting or overlapping duties and responsibilities, and to make sure that no necessary governmental service be overlooked or omitted through uncertainty on the part of individual deputies as to within whose jurisdiction such functions or duties might lie.

If, on the other hand, the county is to be a local municipality, which the county law declares it to be, but which other laws and

various processes of administration make it appear not to be, then it would seem to be the wiser plan, as we have suggested, that the county should be organized on the general plan of the other local municipalities. A chief county executive, be it either a single official or a board, whose powers over county matters would be similar in general to those of the chief executives of other municipalities over their local affairs, or, proportionately, to those of the governor over the state, or to those of the President over the nation, would seem to be the first step necessary to create and unify interest in county administration. The county judiciary we already have, though there may be room for improvement. The county legislature might be made much more effective by relieving it of some of its executive functions and conferring upon it legislative powers subordinated to and consistent with the basic laws of the state and nation, but complete so far as they concern county matters.

In this criticism of the county structure, it is not contemplated that the only thing to be done is to reorganize counties on the general plan of American commonwealths. Nor is it claimed that the president and council plan is the only efficient method of centralizing and unifying county administration, and of creating or solidifying popular interest in the county, or of creating popular loyalty of the character that exists in a village or a city or a state. The same kind of centralization, perhaps a better type, may be brought about by the commission plan. Some new type of government may yet be proposed that will fit the requirements of a republic and yet accomplish the desired unity, efficiency, and centralized interest to a degree not yet conceived by our constructive students of such problems. Moreover, it is not necessary in criticising the *structural* character of county government to include a list of the things that county government ought to accomplish after it is perfected—such, for instance, as detailed study of community needs, investigation of child labor conditions, study of school problems, sanitation, enforcement of pure food laws, scientific regulation of recreations and amusements, or welfare work or economic reconstruction in general. Such things should, of course, be contemplated in the development of a plan to create efficiency under whatever political structure has been once established. The object of the suggestion that the county be placed under the same general type of organization as other municipalities is to put it in a position to carry out these

various purposes with a degree of efficiency which it cannot exercise under its present disorganized condition of a dozen or more different departments, each carrying on its own functions in its own way.

However, the saddest and most discouraging feature of constructive political plans, or of completed governmental machinery when finally erected, is that officeholders do not show an inclination, except in rare instances, to make the most of their opportunities for serving the interests of the community which has chosen them. Human inertia, if that is the correct term for it, seems to keep the well-disposed officials from performing any acts which the law does not expressly compel them to perform. Other motives, of course, cause the opposite type of public officials to take advantage of every opportunity for personal gain which the law and its penalties do not render impossible.

Much might be accomplished in the way of political unity, of solidifying county sentiment, of advancing uniformity of administration, of spreading a common understanding, or at least a common interpretation of county law and of various other laws pertaining to county government by periodically recurrent county conferences of local officials. To illustrate: If we are to go on under our present system in New York State, the tax assessors, for instance, of the various localities might come together at the county capital annually before beginning their tax rolls. In conference there (at which it would be extremely advantageous, if possible, to have present a state official, expert in his knowledge of the tax law), they should reach a common understanding of the exact steps to take in making out their tax rolls, and of the exact ways in which property should be listed on the rolls, in order to conform fully with the tax laws. This annual meeting would undoubtedly give them knowledge and instruction sufficient to enable them to avoid a large majority of the illegal assessments that now prevail upon the local tax rolls, which assessments the courts find no difficulty in setting aside. They might meet again after their rolls were finished to compare their labors, correct structural errors, and arrive at uniformity. The collectors and receivers of taxes might have similar meetings to arrive at a uniform method of making out tax bills, of keeping their accounts, of making their returns to the county treasurer, or other proper official, and to satisfy themselves that such returns may be properly certified. Upon the correctness of these returns rests in large degree

the value of their municipality's assets of tax arrears. The town clerks of the various townships might meet at a county conference at the county capital at least annually for discussion of various phases of their official duties, and learn from the experience of those older and more competent in the service, and likewise have present, if possible, a state official, expert in the knowledge of the duties, responsibilities, privileges and powers of town clerks.

The town supervisors have the advantage of meeting at the county seat frequently during the year for purposes of central county administration. Unfortunately they do not as a rule take advantage of these meetings to discuss the problems of local administration and to learn, one from another, or from state instructors, as mentioned above, the proper interpretation of statutes directing the local functions of their offices, or the most efficient and economic methods of conducting the various phases of their local duties. Thus the supervisors themselves lose a great opportunity to secure tremendous advantages in the line of efficiency and economy. Of course present laws do not require such conferences, and probably only an interest in serving well the people who have elected them to office would cause such officials to hold such conferences.

It is needless to give further illustrations of this type. The gain to be had in efficiency, in economy, in the development of official knowledge and skill by these experience meetings would be difficult to estimate. The resultant confidence, personal satisfaction on the part of the officials themselves, and appreciation on the part of the public, any thoughtful mind must be able to foresee.

A very badly managed element in county administration is the financial provision made for the support of governmental operations. The laws themselves, providing for these things, are largely to blame. The provisions made are general and permit lax methods of budget making and the accumulation of wasteful charges against the county. They do not provide for any competent method of auditing bills or of furnishing the auditing boards adequate information regarding the propriety of charges upon which they are obliged to pass.

The methods of accounting for county funds are equally defective. Up to the end of the nineteenth century, the finances of counties and smaller municipalities were, with few exceptions, in most wretched condition. In recent years the New York legislature has empowered

the state comptroller with a general supervision over the accounts of most of the smaller municipalities and civil divisions and has provided him with a small corps of inspectors or examiners whose duty it is to travel about the state and audit the accounts for the various municipalities. The comptroller himself is authorized to prescribe a uniform system of accounts for each class of municipalities,—that is, a proper system for counties, a proper system for townships, etc. The few accountants at the service of the comptroller are, however, unable in the course of a calendar year to cover more than a small portion of the great number of municipalities in New York State. Thus a large percentage of the comptroller's power to install and to regulate uniformity in these matters throughout the state becomes book power only, being foreshortened by the inadequacy of the forces provided for its execution. He needs a force of at least fifty men to serve all the communities on his list adequately. The comptroller has, however, already accomplished a great deal in the direction of classified, functionally segregated budgets and uniform systems of accounting for the different grades of municipalities under his jurisdiction. Systems being installed by him throughout the state are much in advance of the old ways of providing and accounting for municipal finances. The great faults with the comptroller's systems are that they do not go far enough, that they are not universally adopted, and that with the limited force at his command, he cannot adequately supervise them. It is to be hoped that in any reorganization of the county system in New York State these defects will be remedied.

A proper statutory provision for correct financial administration should take cognizance of at least two elements: first, the right of both the general public and public officials to know; and second, the character and details of the knowledge which such a right comprises. The public officer must have the information before him for his proper guidance. The citizen, the taxpayer, the general public, must have similar information before them to enable them to form judgment concerning the following topics:

- (1) The efficiency and fidelity of public officials and employees.
- (2) The quality and cost of the public services rendered (from which may be determined the economy or waste in the various functions of administration).
- (3) The condition of the public estate at any time.

(4) The propriety of the distribution of service and expenditure among the various community needs.

Efficient administration, economic administration, demands that prior to the beginning of the fiscal year a careful financial plan covering the entire year shall be fully developed and elaborated as minutely as possible in all its details and that the plan shall be adopted by the governing board or legislative body, subject to a provision of law that no detail of expenditure set forth in this plan shall be exceeded by any department without further specific competent authorization of such expenditure. Of course this means nothing more nor less than a scientifically prepared annual monetary budget providing for the expenses of county government. Emphasis is laid upon this point because of the great laxity in existing prevalent methods of budget making. Up to the present, it has been customary to estimate about what the county government will cost, provide a lump sum for each department, and spread the total amount upon the tax roll. This method, of course, leaves to the discretion of departmental officials all question as to how the expenditures shall be made. It leaves entirely to their ability to control their own constituents and to their own standards of honesty the question of how much graft it may be politic for them to derive from the management of their various departments. A scientific plan of budget making, on the contrary, provides a full program comprising:

1. A detailed statement showing:
 - (1) A complete list of the services needed by the county.
 - (2) The things the government intends to do for the county.
 - (3) The relative importance of these things.
2. A careful estimate of the cost of each of the proposed achievements, showing:
 - (1) The cost of the whole operation of the government for the year.
 - (2) The cost of each separate governmental operation.
 - (3) The cost of each principal detail or line of endeavor of each such governmental operation.

Together with such proposals there should be furnished for public information the plans made for financing the foregoing program. Such plans ought to show:

1. A statement of the necessary appropriations (authorizations to be made for expenditures) of funds for each such estimate for the ensuing year.

2. A statement of the amounts of revenues and balances to the credit of the municipality, applicable to meet the expenditures authorized, and the total amount of such resources.

3. A statement of the amounts necessary to be raised by taxes for each such purpose, and of the whole amount so to be raised for all such purposes.

4. A list of all other sources from which revenues are to be derived, stating the amount to be raised from each source to the total amount so to be raised.

The mere adoption and publication of a financial plan, however, known as the budget, made before the year begins, to govern the expenditures for governmental operations during the year is not all that is needed for good fiscal administration. In addition, both the public and its political servants must, as the year progresses, be kept informed as to how the plans thus outlined and published are working out and as to the character of the results being obtained from the uses of the public funds authorized in the plan. Therefore it is necessary that there shall be at stated periods during the year a public accounting, published in an inexpensive form, disclosing accurately and fully the following information to anyone seeking it.

1. The exact financial condition at the beginning and that at the end of the accounting period (current balance sheet).

2. The actual cost of each operation or line of endeavor and of each detail or function thereof during the period.

3. A comparison of such cost with the cost of similar items for similar previous periods.

4. At the end of the last accounting period, such information given in totals also for the year.

Perhaps once every three months would be often enough to make such information public. Certain departments in certain counties are accustomed to publish quarterly reports. For example, county treasurers publish quarterly statements of receipts and disbursements, but the receipts are usually total receipts, and disbursements are usually long lists of warrants on the treasurer for various expenditures unanalyzed and not conveying to the public further information than that such amounts have been paid. Enlightenment as to why they have been paid and what need there was for the payment, such reports do not furnish.

Periodical accounting, however, even though full and correct,

conveys to the public only the knowledge of the current progress of the financial plan. At the end of the fiscal year, which the financial plan was designed to cover, a different character of report is essential. The annual financial report should show the actual handling of cash and current funds, in such form that the taxpayer may compare actual receipts for the entire year with the revenues contemplated in the budget statement at the beginning of the year and actual disbursements for the entire year with the expenses provided for in the budget.

The annual statement should show the following details:

1. Receipts:
 - (1) Net receipts for the year (exclusive of funds transferred from one account to another).
 - (2) What parts of such receipts are from the proper revenues of previous years.
 - (3) What parts are from the revenues of the year just closed.
 - (4) Along with (3) should be stated the amount of the current revenues still outstanding.
2. Disbursements:
 - (1) What were for bills of the current year.
 - (2) What were for bills held over from previous years to be paid out of current funds.
 - (3) Total net disbursements (exclusive of transfers from one fund to another).
3. What balances remain on hand from each item of appropriation, showing:
 - (1) To what extent and for what purposes such balances are held in reserve.
 - (2) To what extent they are free for appropriation for other uses.

Somewhere in the annual report a statement should be displayed of the actual financial condition of the county at the end of such fiscal year including all realizable assets and all standing liabilities. Professional accountants would probably recommend that this statement, which is merely the annual balance sheet, should be placed at the beginning of the annual report.

Having spoken of the assets and liabilities of a county, it seems essential at this point to refer to certain accounts which municipalities carry on their ledgers as available assets, but the realization of which

becomes more and more dubious every year, namely, the uncollected tax levies of two or more years' standing. Many of these are based upon forms of assessments which the courts have repeatedly declared invalid. Their collection cannot be enforced at law. It is only hoped by the municipality that in case of possible sale of the delinquent property the owner will pay up all arrears in order to give clear title to the purchaser, or that by holding over the delinquent property owner the prospect of long litigation, to defend his non-payment of taxes, thus making accumulated legal fees much more costly than the amount of the taxes themselves, he will choose the alternative of paying the taxes rather than fighting them through the courts. Both of these are slender foundations upon which to base the hopes of realizing such assets. Indeed a very recent decision of the Appellate Court of New York State—in which all the judges were unanimous—probably renders invalid all tax sales held in the county of Westchester since 1896. In this county, therefore, the total reduction of municipal assets through this decision may amount to millions of dollars. Consequently, such assets as these, the county and its various municipalities should either write off as losses (as an ordinary business man would) or else take steps, as some of the more progressive counties in the state are now attempting to do, to reinforce the validity of such assets by revising methods of assessment and levy of taxes in such a way that every such asset will be worth its face value.

A municipality that can produce a balance sheet, showing its exact financial condition, its assets and liabilities stated at their actual value, has very little trouble in disposing of its bonds or certificates of indebtedness when it is necessary to go to bankers for the purpose of raising money by such means.

Though perhaps not needed for the purpose of clarifying the foregoing argument, the following specimen of county accounting will undoubtedly prove entertaining to readers of this paper, and cannot fail to emphasize the need of revised systems of records and reports. It is taken from the actual showings of a large county of New York State. The first two columns are made up from published county reports. The third column is made up by an independent investigator from actual examination of the paid vouchers on file in the county offices. The figures are from a recent year and the discrepancies shown are about on a par with those of other years:

Department or Function	Budget Appropriation (published)	Treasurer's Report (published)	Actual Expenditures (not published)
Board of supervisors.....	\$25,600.00	\$32,183.78	\$65,196.75
Surrogate.....	16,000.76	15,724.95	20,182.18
Treasurer.....	7,500.00	7,500.00	19,991.16
Register.....	none	1,210.00	35,257.69
District attorney.....	10,300.00	10,300.00	13,826.75
Sheriff (exclusive of jail).....	20,100.00	24,456.39	35,841.38
Justices and constables.....	none	none	9,661.60
Coroners.....	8,000.00	8,000.00	18,543.36
Superintendent of the poor (all purposes)	17,845.61	108,906.58	118,464.33
Courts.....	100,000.00	113,873.54	161,334.47
County buildings and grounds.....	4,936.73	5,616.05	19,088.46
Armories.....	15,190.00	14,280.49	15,698.68
Jail.....	5,400.00	8,937.93	14,950.06
Highways and bridges.....	none	38,200.97	43,075.78
Election expenses.....	none	none	69,712.79

Of course the above items do not include the complete statement of the county's disbursements. They are only selected items. A large item provided for in the budget as "County audited bills, \$237,663.06," has been mostly classified and distributed, by the investigator, among the items in the third column above. But there is no correspondence between the total amounts, even with the reported budget and the reported disbursements given in full. Nothing more need be said as to the need of better accounting and reporting.

The reports of the comptroller's examiners regarding the counties they have visited show similar conditions prevalent in various parts of the state. Therefore the example given above may be taken as fairly typical of New York State's county finances.

There are many other problems and phases of county government to be considered in a complete plan of reconstruction, but the foregoing features seem to be most prominent and most important. New York State may well take lessons from some of its younger sisters in the management of such matters. All the states should hail with enthusiasm the bold advances being made in county government reform by the Pacific members of our Union, California and Oregon. The proposals of Oregon are radical in the extreme, but I cannot help regarding them as based upon common ordinary business sense, stripped of the restrictions of canting sentiment and throwing down fearlessly some of our badly built walls of precedent.

The Oregon plan is building anew instead of shoring the tottering old with clumsy props.

Mr. Thomas L. Hinckley, director of the Westchester County Research Bureau, says in a recently published bulletin² that the admission of county shortcomings in New York State is general, and that the remedy is within the easy reach of the people. "The worst of it is . . . that most persons, including administrative officials, are inclined to sit helpless under the load and profess inability to mend matters" in New York State. "In California, they have gotten bravely past this infantile attitude. . . . As an example of what an intelligent American community can do towards raising the status of local government, the Los Angeles county charter is the most inspiring document which has appeared in many years. It marks an epoch in local government in the United States. The very idea of a county charter would seem revolutionary to many citizens in these parts, and that such a thing has actually been adopted by a progressive electorate will scarcely be believed."

What the Californians can do, what the Oregon people can do, what other progressive states can do in local government reform, New York ought to be able to do. If the younger states can progress so far, the older states, particularly one of the oldest and the wealthiest and most populous of the Union, ought to be able to advance much farther on the road of genuine progress.

² *Efficiency in County Government—The Los Angeles County Charter.*

STATE AND COUNTY GOVERNMENT IN OREGON AND PROPOSED CHANGES

BY W. S. U'REN,
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The present plan is the same as that in most other American states.

There are sixty representatives and thirty senators, every one having the power to introduce or propose amendments to appropriation bills. At the recent session more than one-half of the senators and representatives came from districts seeking appropriations for the maintenance or establishment of public institutions to be supported by state funds. The result was the usual log-rolling combination for excessive and unnecessary appropriations. No officer is responsible for the maximum of the appropriation bills. Neither is any one officer or department responsible for the expenditure of the money appropriated. There is no centralized responsibility for efficient or economical administration of the state government as a whole.

The county government is run on the same general lines. No one officer nor office is responsible, directly or indirectly, for efficient or economical expenditure of county funds. The county court, consisting of two commissioners and the county judge, is supposed to govern expenditures. But the sheriff, assessor, clerk, recorder, treasurer, school superintendent, surveyor and coroner are all elected as independent officers and in a very great degree are independent departments. No officer in the government is chosen because of his recognized ability as an executive, or because of his known efficiency as an expert in his department.

The tax levy is supposed to be high enough to pay the running expenses of the government. The "running expense" is the sum total finally agreed on as the result of the various trades, combinations and log-rollings. This applies both to state and county government. Nowhere in the system is there any limitation on the total public income, as there is with every individual and with every private corporation. There is no adjusting of the ends to the available means, as with every individual and private corporation. The whole system is run on the theory that there is no limit to the means.

The People's Power League proposes an amendment to the constitution to make the governor a member of the legislature; to require that he shall introduce all appropriation bills and that the legislature shall have no power to increase any such bill without the governor's consent entered on the journal; proposes to abolish the state senate and centralize all responsibility for the state appropriations and legislation on the house of representatives and the governor; to provide a four-year term for members of the legislature with annual sessions; to require that bills when introduced shall be placed on the calendar and be subject to action, if not sooner disposed of, up to the last day of the four-year term; to require that no bill, except an emergency measure, shall be put on its final passage until it has been printed and laid on the members' desks for five days in the form which it is to be passed or rejected.

In addition, it is proposed to elect the members of the legislature by a system of proportional representation, so that all the people shall be represented in the legislative assembly, instead of practically all the members being elected by a plurality of the voters. It is proposed also to provide for the use of the "first, second and other choices" method of electing the governor and other officers where only one is to be chosen at one election to fill the office. With this change it is proposed to introduce the cabinet form of state government, under which the governor will appoint his cabinet and other executive and peace officers on the plan of the American national government.

For the county government it is proposed to elect a board of directors of three or more, and to require that they shall hire a county business manager. The county business manager shall hire all the other county officers and hold the same position towards county business that a Prussian mayor holds towards the business of his city and the general manager of an American private corporation holds towards the business of his company. The county directors will receive no more salary than is sufficient to cover their expenses for necessary meetings. They will not be expected to do anything but lay out the general plans for the county business and see that their manager is efficient and faithful.

It is thought that the adoption of this plan will so centralize responsibility on the governor for the administration of the state government and for the maximum of appropriations, that we shall

begin to get efficiency and economy in the public business. In the legislature there will be responsible leadership, and responsibility as a general rule is accompanied by efficiency. It is believed that the legislature under this plan will be a deliberative as well as a representative body, and that there will be nothing like the nightmare of trying to pass intelligently on one thousand one hundred legislative measures in about forty working days of four or five hours each.

In the county, it is expected that the boards of directors will hire efficient county business managers just as the councils in Prussian cities hire efficient business managers for mayors. Under this plan it is expected that men will adopt the vocation of being county business managers as a life work, just as men adopt any other profession in private life, and thus we shall get the ablest and most efficient men for the public service.

The short ballot is necessarily a part of such a plan. It contemplates a four-year cycle of annual elections. At the first election the governor and members of the legislature, with the state auditor, would be the only officers elected by the people. At the next election the senators and representatives in congress and judges of the state courts would be the only officers to be elected. The third year the members of the county boards of directors would be the only officers to be elected. The fourth year the senators and representatives in congress and state judges. This completes the cycle and the next election begins again with the election of the governor and state auditor and members of the legislature.

It surely cannot be said that government by the people is fully successful until they actually receive a hundred cents' worth of public service for every dollar of public money expended. The people of Oregon are the supreme power now in the making of the laws and in the nomination, as well as in the election, of their public officers. Logically, the next step is to devise a plan of government that will give the highest possible efficiency in the public service.

A THEORETICALLY PERFECT COUNTY

BY RICHARD S. CHILDS,
Secretary, The National Short Ballot Organization.

One government being enough for most nations, why should it require ten governments to run a New York rural county?

An attempt was made in the office of The Short Ballot Organization last year to draw a diagram of the plan of county government in New York State. When completed, after a laborious examination of myriad statutes and amendments extending back over a long period of years, we had something that looked like a ball of yarn after the cat got through with it. The mass of statutes represented a long series of piecemeal efforts to compel cooperation among ten or more separately-elected officials. In effect, these laws required each official to be obliging to the other officials with whom he was supposed to cooperate. In many cases they were not laws so much as office rules solemnly enacted at Albany and with nobody to enforce them unless resort was made to the slow and elaborate processes of the court.

In part the county is the agent of the state; yet the state has only the weakest sort of negative control over the county and cannot compel it to be an efficient or loyal agent. The people of the county are able to repeal a state law by electing local officials pledged to ignore or soften the law. In practice popular resentment will direct itself at local officials who are enforcing the law rather than at the local members of the legislature who helped to pass it. When the issue in the election of sheriff is frankly whether the sheriff will enforce certain uncomfortable statutes, it is no wonder that the written law loses its capacity to strike terror, and cases are not unknown where there has actually been an official referendum as to whether a given state law should be locally enforced or not. A great deal of our American disrespect for the written law is based on this habit of frank local veto.

Popular resentment against a law ought to find no way to attack it save by attacking the men who have power to repeal it. The state which virtuously enacts a statute should be forced to face the

opposition to its enforcement. The state should do its work with its own agents, and the county government should be relieved from the burden of enforcing laws which it did not make and perhaps does not like. This would mean, obviously, that all the officers who enforce state laws should be appointed from the state capitol. Logically, it would seem, therefore, that the governor, whose constitutional duty it is to see that the laws are enforced, should have under his control the sheriffs, judges and district attorneys throughout the state. The district attorneys and sheriffs would be logically under the attorney-general of the state, as the federal district attorneys and marshals are under the attorney-general of the nation.

There was a time when the governor of New York State did appoint the sheriffs. The patronage was considerably abused, since each governor, in those days of the frank doctrine of "rotation in office," was apt to make a fairly clean sweep of the sheriffs and appoint new men for partisan reasons at the behest of local politicians. In making the sheriffs separately elective, the reformers of that day adopted the wrong remedy. It would have been better to work for civil service protection and to destroy the theory of "rotation in office." Certainly the device of putting the sheriffs on the ballot did not take the office out of politics!

As to the county attorneys or prosecutors, New Jersey has the plan of appointing them at the hands of the governor, and the swiftness of "Jersey justice" is probably due in no slight degree to that fact. There seems to be more excuse for electing the county attorney than for electing some of the other county officers, inasmuch as a picturesque fight often develops when a candidate for attorney expresses suspicion of corruption in other branches of government and promises to attack it. But the attack on corruption should not hang on the result of any election but should be made anyway, regardless of whether it is popular or not.

Indeed it is easy to find good reason for removing the county attorney as far as possible from politics. Election necessarily puts him under obligation to many individuals in the community and the temptation to favoritism is serious. A county treasurer must show his tell-tale vouchers and cash balance and if he is besought to repay private political debts out of the public treasury, can plead the likelihood of discovery as an excuse for scrupulousness; the shortcomings of other officers can be more or less accurately meas-

ured, but the attorney may easily and safely grant secret favors which never show on a balance sheet and never can be estimated or even guessed at by an outsider. The attorney ought to be free from all local pressures and there ought not to be a single citizen in the county whom he cannot consistently prosecute.

The coroner should become a medical subordinate in the attorney's office.

As county judges interpret state laws, the state should create them and pay for them. If they make themselves unpopular in their locality, it may be to their credit! The clerks and bailiff of the court should be appointed and controlled by the court they serve.

All this is merely saying that the states should adopt the federal judicial system entire. Thus the governor would appoint all the judges for long terms, and the attorney-general. The attorney-general would appoint the sheriffs and county attorneys and be responsible for their efficiency. I wish I could trust the doctrinaires to see that they have actually lived undisturbed under this system in the federal government, but they will not, and if the idea some day reaches the standing of a political issue, they will rail against it as an utter destruction of democratic government and an unheard-of concentration of power.

To the state also must go some of the county functions which can be better handled by concentration, such as care of the insane. Many of our county asylums are a disgrace to a modern nation and state sanitariums must be substituted. The county clerks could be improved, perhaps, by bringing them under the central supervision and appointment of the secretary of state, so that uniformity and expertness could be developed. The control of roads, too, is, in part, passing from county to state with much improvement in efficiency. The constant speeding-up of our means of communication is making our states steadily smaller, and changes of this sort are becoming easier as well as more desirable.

Having thus neatly cut off half the county and handed it over bodily to the state, we have left the county board of supervisors, the county treasurer, the county engineer or road commissioner, and others whose business is entirely concerned with local, as distinguished from state, affairs. In this field the county is, in effect, an alliance of cities and towns for the performance of certain work which can be done more economically in concert than separately.

Thus, in some cases, the county operates the high school, the constituent villages not being large enough each to maintain a high school of its own.

For such miscellaneous and purely local work there should be a unified organization in the county, very different from the present ramshackle of practically unrelated statutory officers. Administrative efficiency requires a single-headed executive organization and the chief executive should be expert, experienced and reasonably permanent. All that remains of the county should be put under the appointment of this "county manager". He should be appointed by, and under the continuous control of, the board of supervisors. He should not be necessarily chosen from among the local residents but hired from anywhere in the country as an expert, and in many cases he should also be himself the county engineer, or whatever officer may be the costliest expert required in the county government. The board of supervisors would then be purely the policy-determining body of this county with full power to levy the taxes needed and full power to hire an efficient county manager and get the desired results.

As to the supervisors there is difficulty involved in having them elective in any save small rural counties—the difficulty being the fact that the people in their infinite unspankableness will ignore those uninteresting officers and will not play the part assigned to them of selecting the members. Hold a special election for board of supervisors and the people will not bother to come to the polls. Hitch the county ballot on the bottom of the state ticket at a state election and the people will come to the polls but their votes for members of the board of supervisors will be unconsidered and uninformed and easily steered by such simple devices as a mere party emblem or, if the election be non-partisan, by the published recommendation of a partisan committee. There is usually so little real politics in a county! The present controversies are not truly political, they are rather quarrels over plunder. The issues are only the matters of which men shall get the jobs and draw the salaries. Reorganize the county on sound lines with the salaried offices all in the hands of a permanent civil service and nothing to elect but unsalaried supervisors, and the politicians will find little left to attract them. As they have always been the only ones interested,⁷ their silence will leave a void. Such a situation would be dangerous; it

would leave the county too unguarded. And as we cannot change the people and have no business to try, we must ultimately take even the supervisors off the ballot, too. Let them be appointed from the various towns in the county by the town governments with voting power proportioned to the size of their respective constituencies. They might well be the mayors of the towns, serving *ex officio* as supervisors, as is proposed to-day in Alameda county, California.

Having thus handed the other half of the county over to the constituent towns, we have left, so far as politics is concerned, no county at all!

And there is your theoretically perfect county!

Was it not said in years gone by that there was no good Indian but a dead Indian?

BOOK DEPARTMENT

NOTES

BAGNELL, ROBERT. *Economic and Moral Aspects of the Liquor Traffic*. Pp. viii, 178. Price, 75 cents. New York: Funk and Wagnalls Company, 1912.

The author here undertakes to treat of the liquor problem from the social standpoint. Scientific evidence is quoted to prove the bad effects of the excessive use of alcohol on the individual, one chapter is given to a discussion of the deteriorating influence of the saloon, the economic aspects are discussed, and a fourth chapter surveys the general field and urges a more thorough scientific investigation of the problem. The author here calls attention to the fact that in this country nothing has been done along these lines for the last ten years and what was done before that time was of a very inadequate character. The last five out of the nine chapters deal with a discussion of the right and power of the state to control the liquor traffic.

With certain of the statements made, we must take exception, as for example, that "the excessive use of liquor is to be charged with a large percentage of poverty, disease, especially insanity and crime." The discussion on the present deteriorating influence of the saloon and the discussion of the last five chapters seem unnecessarily extended. The plea of the author for the thorough scientific investigation of this problem and the education of public opinion in accord with the findings of such investigations, is thoroughly sound but the partisan tone which prevails in places in this book lessens the value of the discussion.

BARNES, H. GORELL, and DE MONTMORENCY, J. E. G. *The Divorce Commission*. Pp. xvi, 95. Price, 1s. London: P. S. King & Son, 1912.

This brief summary of the report of the divorce commission appointed by King Edward VII in 1909 makes accessible to the American public some interesting information on the divorce question in general, and also the interesting change that has taken place in the traditional English mind in respect to the family. The conclusions presented in the majority report agree substantially with the American position, viz., that absolute divorce should be granted on the following grounds: (1) Adultery; (2) wilful desertion for three years and upward; (3) cruelty; (4) incurable insanity after five years' confinement; (5) habitual drunkenness, found incurable after three years from first order of separation; and (6) imprisonment under commuted death sentence. Court procedure should be arranged so as to furnish equal relief to all citizens without penalizing the poor. These conditions are conducive to higher moral standards rather than lower, and afford adequate protection to genuine family life.

From this majority report, a minority, headed by the Lord Archbishop of York, dissented in regard to the extension of the grounds of divorce beyond adultery. The minority report is purely reactionary while that of the majority is constructive. Those who are interested in the divorce movement should read this summary.

BLAKEY, LEONARD S. *The Sale of Liquor in the South*. Pp. 56. Price, \$1.00. New York: Longmans, Green & Co., 1912.

We have here a scientific investigation in an unbiased attempt to answer the following questions: (1) How shall southern commonwealths deal with the sale of intoxicating liquors? (2) Why have they abandoned the saloon as a distributing agency over so great an extent of territory? (3) Has the dispensary eliminated the difficulties experienced with the saloon? (4) Is it probable that the South will allow the enforcement of local and state laws to be hindered by federal law? (5) Has the presence of the negro in the South been the chief cause for bringing about state prohibition?

A wealth of material has been gathered with great care and the results recorded. Contrary to popular supposition the author finds no evidence that race has been any large factor. He says: "The prohibitory movement in the South is a response to a fundamental social impulse; its origin was too early, its response too basic and unconscious for any other interpretation." This is the sort of investigation that furnishes a sound basis for the discussion of the saloon question.

CHAMBERLAIN, LAWRENCE. *The Work of the Bond House*. Pp. 157. Price, \$1.35. New York: Moody's Magazine Book Department, 1912.

This little book, which comprises about one hundred and fifty pages, is, in a sense, a supplement to Mr. Chamberlain's "The Principles of Bond Investment" which appeared some months ago. It is an attempt to explain the services rendered to the community by the bond house and to give a picture of the workings of such an institution. To those unacquainted with investments, the work will have some value, but as a complete presentation of the operations of a bond house, it leaves much to be desired.

After explaining the functions of a bond house the subsequent chapters deal with the methods employed in investigating and arranging for the purchase of each of the various classes of bonds ordinarily dealt in, the service which the bond houses furnish as advisor to its clients and in making a market for inactive securities. The final chapters deal with the problem of selling bonds from both the standpoint of the bond house and of the investor.

CONNER, JACOB E. *The Development of Belligerent Occupation*. Pp. 63. Iowa City: State University of Iowa, 1912.

DEVINE, EDWARD T. *The Family and Social Work*. Pp. 163. Price, 60 cents. New York: Association Press, 1912.

This little volume is prepared for use in the Y. M. C. A. study classes, written "to make clear the essentially religious character of social work and to emphasize its emotional appeal." In this, the author has been remarkably successful and it is doubtful if a more comprehensive and suggestive study in such brief compass has ever appeared. Biology, Economics, Inefficiency and Desertion, and the sub-normal in their relation to the family are discussed. The last chapters are on Responsibility and Opportunity and the Coordination of Social Work. Each chapter is followed by a brief questionnaire. It will be found a serviceable and valuable work.

EDDY, ARTHUR J. *The New Competition*. Pp. 375. Price, \$2.00. New York: D. Appleton & Co., 1912.

Mr. Eddy's volume is scarcely likely to prove of much value to the economist. It purports to be "an *examination* of the conditions underlying the radical change that is taking place in the commercial and industrial world—the change from a competitive to a cooperative basis." Careful, scientific examination, however, is lacking in spite of the sub-title. The volume is popular in character rather than scientific, dogmatizes upon many points and the author is thoroughly convinced of the evil of competition. The most valuable chapters in the volume are those entitled *The Open Price Policy* and *Open Price Association*.

ENGEL, S. *The Elements of Child Protection*. Pp. xi, 276. Price, \$3.50. New York: Macmillan Company, 1912.

FORD, JAMES. *Cooperation in New England, Urban and Rural*. Pp. xxi, 237. Price, \$1.50. New York: Survey Associates, Inc., 1913.

Cooperation is a means to an end, not an end in itself. In so far as Yankee independence, mobility of population and the desire to increase wealth by raising earning power rather than by thrift have interfered with the progress of the cooperative movement, we should not feel regret. In eras of rapid change these qualities are more valuable than those that contribute to the successful working out of cooperative schemes. And to the extent that we desire change and progress should this "American Spirit" be encouraged. The author in his enthusiasm for cooperation perhaps underestimates the importance of this spirit of ferment, as he perhaps overrates the importance of cooperation as an alternative to socialism, if not as a measure of preparation for it. But within the narrower bounds that really fulfil the purpose of the study, the author is on sure ground. His presentation of facts is scholarly and unusually readable, and he establishes his principal conclusion that "rural New England has reached a point where a comprehensive and vital cooperative movement is not only desirable but increasingly practicable."

GIBBON, I. G. *Medical Benefit in Germany and Denmark*. Pp. xv, 296. Price, 6s. London: P. S. King & Son, 1912.

HOLDSWORTH, J. T. *Report of the Economic Survey of Pittsburgh*. Pp. 239. Pittsburgh: The City of Pittsburgh, 1912.

Pittsburgh has been surveyed and re-surveyed by social worker, by city planner, by industrial engineer, and lastly, by an economist. This latest survey is unique. It was undertaken at the instance of the mayor and council of the city of Pittsburgh "to investigate the economic and other conditions of the city affecting its industrial and economic prosperity; to make comparisons in these respects with such other cities as shall be deemed advisable and to prepare and submit a report of the results of the investigations to council with such recommendations as shall be deemed advisable for advancing the industrial and commercial growth of the city." In the short time at his disposal Professor Holdsworth has produced an admirable report.

The principal subjects of inquiry were the smoke nuisance, housing, cost of living, wages, unemployment, markets, recreation, municipal taxation, and municipal efficiency. Large or strikingly novel results cannot be expected from

three months' work in such broad fields, but the material presented shows discrimination and the careful elimination of non-essentials.

Almost unconsciously we compare this survey with one made almost six years ago. The earlier survey, not yet entirely published, revealed in dismal colors the weaknesses of industrial Pittsburgh. It pointed out remedies only by implication. This later survey, much less pretentious, aims to help Pittsburgh to build up a better municipal personality by stating each problem and suggesting a way out.

KROPOTKIN, P. A. *Fields, Factories and Workshops*. Pp. xii, 477. Price, 75 cents. New York: G. P. Putnam's Sons, 1913.

The author in this new edition has added some new material and has brought his statistics down to date. The argument has not changed and the new statistics seem to throw additional weight on the conclusion that civilized societies would derive great advantages "from a combination of industrial pursuits with intensive agriculture and of brain work with manual work." The chapter on the decentralization of industry which is going on at the present time and the one on education which would combine hand work with brain work and industrial with agricultural training are particularly interesting and suggestive.

LAMPRECHT, K. *Deutsche Geschichte der jüngsten Vergangenheit und Gegenwart*. Pp. xvi, 519. Price, M6. Berlin: Weidmannsche Buchhandlung, 1912.

McCLELLAN, WILLIAM S. *Smuggling in the American Colonies*. Pp. xx, 105. Price, \$1.00. New York: Moffat, Yard & Co., 1912.

This monograph is the third of the David A. Wells prize essays published by the Department of Political Science of Williams College. It frankly admits that it is based on secondary material and aims merely to give a coordinated account of colonial commercial life and of the relation between economic and political factors in the formation of the American republic. Of chief value is the clear distinction made between the general colonial system of the period and the special acts passed for the protection of the sugar planters in the West Indies. It was the restrictions on imports from the West Indies which were systematically ignored and led to the universal and almost respectable smuggling of the colonial period. The author's conclusion is that the pressing need of funds compelled England to try to enforce the Molasses Act and that this precipitated the Revolution.

McLAUGHLIN, ROBERT W. *Washington and Lincoln*. Pp. ix, 278. Price, \$1.35. New York: G. P. Putnam's Sons, 1912.

This book is a combination of biography, history, and political theory. It traces in broad outlines the development of American Government and of American political ideals and methods, dividing this process into five periods and characterizing each period by a word that represents its main interest. These divisions are: (1) The parliamentary period of 1765, the era of experiment; (2) the Revolutionary period of 1776, the era of protest; (3) the constitutional period of 1787, the era of formulation; (4) the national period of 1830, the era of definition; (5) the Civil War period of 1861, the era of application. As a background, the important parts played by Washington and Lincoln in their respective

periods are chiefly emphasized, and an attempt is made to show a direct relation between their doctrines and policies. While the main thesis of the book is somewhat far-fetched and there is much undigested historical data scattered through the volume, there is also much that is suggestive both in the author's point of view and in his conclusion. The complex elements underlying political development are, however, scarcely appreciated, and too much importance is attached to the influence of single individuals.

MYERS, A. C. (Ed.). *Narratives of Early Pennsylvania, West New Jersey and Delaware, 1630-1707*. Pp. xiv, 476. Price, \$3.00. New York: Chas. Scribner's Sons, 1912.

The excellent series of *Narratives of Early American History* is coming gradually to include the documents relating to the beginning of the several colonies, and the documents of especial historical significance dealing with the early events and institutions of colonial history. The papers contained in the "*Narratives of Early Pennsylvania, West New Jersey and Delaware*" are edited by Albert Cook Myers. As in the case of the previous volumes, each paper is preceded by an introduction by the editor giving a history and an appreciation of the document. Three maps and fac-simile reproductions are included in the volume.

MYERS, G. *History of the Supreme Court of the United States*. Pp. 823. Price, \$2.00. Chicago: Chas. H. Kerr & Co., 1912.

NELSON, THOMAS, and SONS (Ed.). *An Encyclopædia of Industrialism*. Pp. xi, 543. Price, 1s. London: The Authors, 1913.

This is a timely and serviceable volume. It realizes its aim "to give an account of the problems, both practical and theoretical, which arise directly out of our modern development of manufactures. . . . The special industrial point of view has always been maintained." The articles are written by experts, and show a conciseness unusual in the degree of emphasis on significant facts. Such errors of statement or omissions as appear are of minor importance. It will amuse American readers of the article on housing to note that "the tenement house problem" (New York, 1908) was compiled by De Veiller and Forrest.

Proceedings of the Fourth National Conference on City Planning. Pp. x, 232. Price, \$2.00. Boston: National Conference on City Planning, 1912.

Any one interested in the subject of city problems and the economic questions connected with municipal engineering will read with interest the articles contained in "*The Proceedings of the Fourth National Conference on City Planning*," held in Boston last May.

The sessions of the conference were devoted to general discussions of some of the more important questions underlying successful city planning, such as the housing problem, the legislation necessary for intelligent city planning, the regulation of the height of buildings, the application of the "Zone System" in the United States, and other similar questions.

An interesting feature of the volume is an account of the progress of the city planning movement in a number of the large cities in the United States and in Canada.

REDFIELD, WILLIAM C. *The New Industrial Day*. Pp. ix, 213. Price, \$1.25. New York: Century Company, 1912.

Mr. Redfield writes from the viewpoint of an interested outsider regarding industry, industrial wastes, industrial cost, and the scientific spirit in management. All in all, his discussion of "the new industrial day" is one of the most readable of the many recent contributions to the literature of up-to-date business management. Replete with illustration and apt allusion, the book will furnish to the uninformed an admirable source of superficial knowledge. Although the author does not for a moment pretend to be scientific, his pen touches with remarkable fidelity the high spots in the development of modern business thought. The conservation of human values, the elimination of wastes, and the perfection of devices for creating products with the least possible expenditure of capital and energy, bespeak the industrial tendencies of the times. Of these, Mr. Redfield has prepared an able, popular analysis.

ROGERS, JAMES E. *The American Newspaper*. Pp. xiii, 213. Price, \$1.00. Chicago: University of Chicago Press, 1912.

A second impression of James Edward Rogers' "The American Newspaper" was made in January, 1912. There are no changes from the first edition of 1909. The book treats the following subjects: The Historical Evolution of the Modern Newspaper; The City and the Newspaper; The Influence of the American Newspaper; The Cause of the Influence of the American Newspaper.

SELIGMAN, EDWIN R. A. (Ed.). *The Social Evil*. Pp. xvii, 303. Price, \$1.75. New York: G. P. Putnam's Sons, 1912.

The first edition of this work was immediately recognized as one of the most valuable discussions of the subject that had appeared up to that time. So great was the demand that the edition was exhausted, and it is very gratifying that Professor Seligman, one of the members of the original committee, has assumed the task of editing a second edition. Because of the breaking up of the original commission, the full responsibility for this edition and the changes are accepted by Professor Seligman. To the older issue has been added a large bibliography and three chapters describing the development of the last decade under the headings,—First, The European Movement; Second, The White Slave Traffic in Europe and America; and Third, Ten Years' Progress in the United States. This additional information puts the book well at the head of the list for those who wish a careful and conscientious discussion of the problems involved.

SOMBART, W. *Luxus und Kapitalismus*. (2 vols.) Pp. xvi, 452. Price, M6. Leipzig: Duncker and Humblot, 1913.

STANWOOD, EDWARD. *A History of the Presidency from 1897 to 1909*. Pp. 298. Price, \$1.75. Boston: Houghton, Mifflin Company, 1912.

In this book Dr. Stanwood brings his history of the presidency down to date. The volume covers the three presidential campaigns of 1900, 1904 and 1908. The work is done in the same scholarly and thorough manner that has made the author's "History of the Presidency from 1789 to 1900" the standard and authoritative work in the field. The book will serve as a source book for all times, as the platforms and pronouncements of each political party are given in full. Because

of its illuminating analysis of the growth in party influence and methods and in presidential power, it will be of value and interest alike to future historians and to contemporary writers in political science.

The book brings out the significant fact that the presidency, changed but little in the first forty years, was transformed into a potent force by Jackson, and has since steadily increased in power and influence. In no instance has there been a surrender of anything previously gained or a reversion to earlier standards. The powers and prerogatives of the office were carried to the highest point by President Roosevelt. In this evolution there has been no violation of the letter of the constitution, and no general, indeed hardly an occasional or sporadic objection to the increase in the President's power. Popular acquiescence has thus formulated and justified a constitutional amendment, though not a line of the amendment has been incorporated in the constitution. It is worthy of note that the special students of our judicial history and our congressional history have noted a similar development in their respective fields.

STOWELL, C. J. *Studies in Trade Unionism in the Custom Tailoring Trade*. Pp. 166. Price, \$1.00. Bloomington, Ill.: The Journeymen Tailors' Union of America, 1913.

THOMSON, MARY H. *Environment and Efficiency*. Pp. ix, 100. Price, 75 cents. New York: Longmans, Green & Co., 1912.

An attempt to show by the investigation of industrial schools and orphanages the marked effect of environment upon the so-called defective and dependent classes, this little study marks the beginning of a very important group of investigations which must be made along similar lines.

TSU, YAI YUE. *The Spirit of Chinese Philanthropy*. Pp. 122. Price, \$1.00. New York: Longmans, Green & Co., 1912.

UPSON, LENT D. *Sources of Municipal Revenues in Illinois*. Pp. 126. Price, 75 cents. Urbana: University of Illinois Press, 1912.

To secure data for this study, Dr. Upson examined the budgets of twenty-four cities of Illinois, having a population of over eight thousand, and located in various parts of the state. The monograph is a careful study of the assessment and collection of taxes; of the character of license fees levied; of gifts, grants and subventions to cities—primarily the school revenue; receipts from services rendered by the cities, such as departmental receipts; public service privileges, and public assessments; income from monopoly industries and property, and the various types of municipal loans.

The necessity for a bonded debt limit on cities is shown in the fact that Quincy was at one time indebted to over 10 per cent of the equalized valuation, and now devotes 27 per cent of its total income to the payment of interest, and the retirement of bonds. The author is convinced that tax warrant indebtedness, incurred for current expenditures, is bad, not only because it represents municipal extravagance but because of the excessive rate of interest which it bears. He also feels that no defense can be offered for floating indebtedness, as such indebtedness, he finds, is uniformly linked up with mismanagement of the conduct of the business of the cities. He shows that unexpended departmental balances and

floating indebtedness are both the products of a poorly drawn municipal budget. He emphasizes the need for scientific budget making.

The minimum per capita income for the cities is \$4.23 in Champlain, the smallest of the cities studied. Two other small cities have a per capita revenue of \$4.53 and \$4.00 respectively. The largest per capita revenue, that for East St. Louis, is \$11.74.

The author makes the following recommendations: that the functions of the town collector be transferred to the county treasurer, thus avoiding an unnecessary duplication of administrative machinery; a higher constitutional maximum tax rate, the tax rate of three per cent on the assessed valuation being inadequate to meet the needs of the modern city; a larger use of sources of revenue other than the general property tax. The per capita income from license taxes other than liquor licenses ranged from four cents per capita in Ottawa to thirty-five cents per capita in East St. Louis. An increase in the minimum cost of saloon licenses from five hundred dollars to one thousand dollars would result in a decided increase in revenues. Where there is a real restriction in the number of saloons in proportion to the population, the saloon licenses should be increased in order to give to the city its municipal value. He recommends as profitable and equitable the licensing of vehicles, the fund going into the repair of streets and alleys, thus relieving to some extent the burden imposed by special assessments. He finds that fees and departmental charges are neglected sources of municipal revenue, and that a wholly inadequate use has been made of franchise taxes. Such taxes should not be levied, however, where rates and services are based on actual valuation.

VAN KLEECK, MARY. *Women in the Bookbinding Trade*. Pp. xx, 270. Price, \$1.50. New York: Survey Association, Inc., 1913.

"Knowledge of existing conditions is the necessary preliminary of a reform of those conditions," writes Professor Seager in his introduction, "but it is the reform, and not the knowledge, that must ever be the chief concern of an organization like the Russell Sage Foundation." The present volume has added materially to the knowledge of one specific phase of our modern industrial life in so far as it relates to the working of women in the bookbinding trade. Historically, statistically and practically Miss Van Kleeck gives us an excellent analysis of conditions in the bookbinding industry. Her references to literature are unique, and her whole style of presentation is so popular that at no place in her study does she overstep the limits of public appreciation. The diagrams showing the difference between the wages of the men and women and the increase in the proportion of women in the bookbinding trade are excellent statistically, and most effective as a form of visual presentation. The book is well worth the consideration of every one who is interested in the industrial activity of women.

WHITE, CHARLES E., JR. *Successful Houses and How to Build Them*. Pp. vi, 520. Price, \$2.00. New York: Macmillan Company, 1912.

This book describes the various kinds of architecture suitable for suburban houses, explaining the advantages and disadvantages of each. Succeeding chapters explain the main features of successful planning; the relative merits of different classes of building material, and some of the points which should be looked out

for in the construction of frame, brick, stone and fire-proof houses. The final chapters deal with the subjects of plumbing, building hardware, cabinet work and other similar questions.

The text is concise and well arranged and gives a large amount of valuable information. A valuable feature of the work is the large number of illustrations used to bring out the points discussed in the several chapters.

WOLFE, F. E. *Admission to American Trade Unions*. Pp. vii, 181. Baltimore: The Johns Hopkins Press, 1912.

This monograph undertakes to bring together the facts pertaining to conditions of membership in American trade unions. The material is gathered from a wide field including all of the principal unions. The chapters cover such topics as control of membership, admission by apprenticeship and by competency, admission of women, of aliens, and of negroes, the severance of membership and reinstatement. The rules that obtain in the several unions show no great degree of uniformity. The nature of the trade, the numbers and strength of the union, the relative strength of local and national—all these and other influences determine the regulations in force in any particular case. If any generalization can be drawn from the study, it would be, perhaps, that union policy is essentially opportunist. Whatever the need of the local situation, that will be the policy, provided the union possess the strength to enforce it. This grows naturally out of the necessity for members.

The final chapter embodies the conclusions of the author as "to what extent the existing union regulations of admission are economically and socially justifiable." The three points of view are those of the "relation (1) to the prosperity of the trade, (2) to the welfare of workmen denied membership, and (3) to the effects upon the unions themselves." Fundamentally the regulations are found justifiable from each one of the tests. Maladjustments and hardships are incidental and will be eliminated with further experience and the recognition of greater responsibility.

WOOD, FREDERICK A. *The Finances of Vermont*. Pp. 147. Price, \$1.00. New York: Longmans, Green & Co., 1913.

This monograph in part meets the need for more data on the part of the student of public finance. The author divides the financial history of Vermont since 1791 into three succeeding periods; marked respectively by the development of the general property tax, by the Civil War financiering, and by the growth of corporation taxes. Of especial interest is the increase of corporation taxes in a state as yet largely agricultural. Other recent developments are the relegation of the property and poll taxes in large part to local uses; an increasing state control of local action, large contributions by the state for school and highway purposes, and the introduction of a serviceable system of accounting and auditing. Agricultural predominance still secures the retention of the general property tax, but this tax is rapidly diminishing in importance. The appendix contains some valuable compilations of statistics.

REVIEWS

ALLEN, WILLIAM H. *Modern Philanthropy*. Pp. xvi, 437. Price, \$1.50. New York: Dodd, Mead & Co., 1912.

It was a unique opportunity that came to the Bureau of Municipal Research in New York city, when Mrs. E. H. Harriman turned over to it some 6,000 appeals for assistance which had come to her. This volume is the report of the study and recommendations based thereon, written in the bright style so characteristic of Dr. Allen. It is therefore most entertaining, though at times one's attention is disconcerted by stumbling across some sample appeal at the foot of a page or boldly thrust in the very middle of an argument. Much of the volume is so epigrammatic that it must be read in short sections.

Dr. Allen begins by describing the different types of writers—from those who want a few dollars to college presidents, asking great endowments. Then he reviews the objects desired and comes to the conclusion that these letters really indicate great public needs which should receive attention.

Part II discusses the topic of giving, indicating the author's belief that the princely giving characteristic of America is bound to increase rather than diminish. Yet wise giving is extremely difficult, and it is evident that a large percentage of gifts are not carefully planned. Hence it is argued in Part III that there should be a National Clearing House for Givers to be located naturally in New York city. Dr. Allen does not say that the Bureau of Municipal Research should do this work, but he hints pretty broadly that the Russell Sage Foundation would have amounted to more than it has, had it done this. He makes out a strong case for the existence of such a central agency. In this section the author also discusses the various methods of appeal, shows the importance of technique, modern methods. The community must be educated if the appeals are to be effective.

Part IV, a "Magna Charta for Givers," is a brief outline of the rights of givers—tersely put—among these are "the right to refuse," "the right to initiate," and "the right to information."

We have here a very thoughtful discussion of matters of vast importance. It is to be recommended alike to givers and agencies seeking gifts.

CARL KELSEY.

University of Pennsylvania.

ASPINALL, A. E. *The British West Indies*. Pp. xii, 435. Price, \$3.00. Boston: Little, Brown & Co., 1912.

That the British West Indies have a population nearly half as large again as New Zealand and Newfoundland combined is a surprise to most of us. Once the most highly prized of English possessions because of the cane sugar estates, they have been for about a century neglected and by many considered a liability rather than an asset. But the completion of the Panama Canal, the growth of the fruit trade and the promised revival of cane sugar production have raised the hopes of Englishmen that the islands may again become prosperous and contented.

Mr. Aspinall introduces his book with a review of the romantic history of

the islands but his chief theme is their life of the present day. He describes the attractions of climate, cost of living, and amusements of the inhabitants. The most valuable chapters give an excellent description of the industrial developments and commerce. The remarkable possibilities of the islands and their very important present trade in sugar, bananas, limes, oil, asphalt, coffee, rubber and other products make the author enthusiastic for still more satisfactory future development. The description of the struggle between cane sugar production and that of bounty fed beet sugar is especially well done.

To the citizen of the United States the statistics demonstrate a thesis not shown in the author's argument. They show the remarkable extent to which the West Indies have been absorbed by the United States so far as their economic life is concerned. The dependence of the islands for their prosperity upon favorable tariff arrangements with the northern republic can not fail to be disconcerting to their inhabitants and to imperialistic Englishmen. The book closes with chapters on the relation of the Islands to Panama, Canada and the United States, which though they do not hint at their dependent position, enforce the conviction which the reader has already reached. Mr. Aspinall's book is an excellent review of the social and economic conditions of the scattered bits of British territories extending from the Bahamas to Guiana.

CHESTER LLOYD JONES.

University of Wisconsin.

BALDWIN, SIMEON E. *The Relations of Education to Citizenship*. Pp. 178. Price, \$1.15. New Haven: Yale University Press, 1912.

Governor Baldwin feels that the man whom the people are ready to trust in the long run is not the enthusiast because of his enthusiasm, nor the orator because of his eloquence, but the well-poised, cool and careful individual whose education has given him sanity and social judgment. "No scholar is a ranter. The power of education is a steady rather than an impetuous force. It is unfavorable to enthusiasm. It does not carry points by storm." He feels that the appeal of the person with education is of special significance because of the initiative, referendum and recall. Under direct legislation, the people must have brought before them "the reasons for or against measures upon which they are to vote, in the clearest way, or the whole proceeding will be a mockery of justice."

The author's views as to the curriculum and the place of the teacher are significant and invigorating. He feels that the first two years of a college course "should be largely given to enforced study in those fields of general information in which all educated men ought to feel somewhat at home." The last two years of college education should be devoted more largely to specialization. He feels that "no university in the world of our day can properly omit thorough instruction in civics and the art of government." Most invigorating is his statement that "teaching on public questions ought to be positive. The student ought to know on what side his instructor is ranked. Then he can guard himself the better, from being carried away, and weigh the doctrines set before him with more precision. Of course, the instructor will refer to the main authorities, leading to opposite conclusions. But he will lose in power, if he does not dogmatically assert his

own belief and urge it as the true one." He emphasizes the sentimental quality that attaches to the best methods of instruction. He observes that the heart directs the mind, and that the "moral feelings of the people are their main safeguard."

CLYDE L. KING.

University of Pennsylvania.

BEARD, CHARLES A. *American City Government*. Pp. ix, 420. Price, \$2.00. New York: Century Company, 1912.

This is not a study of the existing governmental and administrative machinery of American cities, nor even a study of the newer tendencies therein. It is primarily a study of the newer functions of municipal government.

The volume begins with a chapter on the constituent elements in municipal populations and the political implications of the revolution in the growth, size and complexity of our cities. The second chapter treats of home rule. The author points out that in home rule the line bounding legitimate state intervention in municipal affairs is difficult to draw, and that, in spite of home rule charters, shrewd legislators, supported by judicial sanction, may, under the guise of general acts, pass a great deal of special legislation for home rule cities. The chapter, however, does not discuss the judicial decisions in home rule states as to the meaning and extent of home rule. A study of these decisions will be necessary in order to overcome the feeling left by the chapter that home rule is not a vital reform.

The author makes much of the necessity for emphasis upon the construction, management, standardization and efficiency of the administrative departments. The chapter on raising and spending the city's money is not so much a careful study of municipal taxation as a study of the newer fields in which the city's money should be spent. Special attention is given to the methods of making budgets, especially the attempts of several cities to do away with the evils inherent in budget-making by ward politicians, by taking this important activity out of the hands of the councils and vesting it in some authority representing the larger municipal interests. This method centers responsibility, reduces the power of the ward worker, encourages publicity, helps to educate the citizens and gives each and every civic organization an opportunity to place newer city needs before the public. Open hearings should be held upon the estimates before they have been finally acted upon by the budget-making authorities.

Dr. Beard points out that improvement in our expert municipal service imperatively demands the following conditions:

"Recognition on the part of the public that expert municipal administration cannot be realized by calling butchers, bakers, and candlestick makers from private life for short terms in public offices with which they are not familiar.

"The establishment of educational facilities for training men and women in public service.

"The selection of experts without regard to local residence.

"The adoption of the practice of selecting public servants of the higher rank by competition among qualified persons from all over the country.

"The recognition of expert municipal service as a career worthy of the ambition of the best minds and characters.

"Payment of adequate salaries."

The streets of the city, the health of the people, the housing problem, industrial training, recreation, city planning, franchises and the newer attitudes and methods of regulating franchises, and public utilities are discussed in a most suggestive and illuminating manner. As a whole the book discusses city government from the collectivistic point of view. An interesting part of the chapter on Municipal Democracy is devoted to the growth, influence and doctrines of the socialist party.

CLYDE L. KING.

University of Pennsylvania.

BLAIR, EMMA H. *The Indian Tribes of the Upper Mississippi Valley and Region of the Great Lakes.* 2 vols. Pp. 784. Price, \$10.00. Cleveland: A. H. Clark Company, 1911-12.

From time to time we have called attention to the valuable reprints of historical documents being issued by the A. H. Clark Company. The present volumes indeed are more than reprints, even though the bulk of the text is old. Several manuscripts are included. After a brief opening chapter by the editor, volume one contains from pages 25 to 272 the first English translation of the Memoir on the Manners, Customs and Religion of the Savages of North America, by Nicolas Perrot, originally published in French in 1864. Nicolas Perrot, originally a *coureur de bois*, spent from 1665 to 1699 amongst the Algonquins, mainly acquiring a knowledge of their different tongues and becoming an official representative of the government.

On pages 273 to 372 is a translation of the History of Savage Peoples who were Allies of New France, by Claude Charles Le Roy, Bacqueville de la Potherie, who appeared in Canada in 1697. This monograph of Le Roy runs over into the second volume to page 138. Then follows to page 248 two memoirs relating to the Sak and Foxes, the first part being a Letter of Major Marstron and the second an Account of their Manners and Customs, by Thomas Forsyth. The balance of the second volume is made up of biographical sketches and notes on Indian organization, with some description of the present conditions amongst the Sioux and other Indians. There is a very comprehensive bibliography on the Indians and a good index of the two volumes.

Students of American history who are interested particularly in its beginnings, in the relation of the white man to the Indian, will be very grateful for having so much first-hand material brought within easy access.

CARL KELSEY.

University of Pennsylvania.

CHANNING, EDWARD; HART, ALBERT B., and TURNER, FREDERICK J. *Guide to Study and Reading of American History.* Pp. xvi, 650. Price, \$2.50. Boston: Ginn & Co., 1912.

The original edition of this well nigh indispensable Guide was published in 1896. In view of the numerous and important additions to the historical literature of

the United States since that date, the Guide has been given a much desired revision, bringing it down to date and greatly increasing its usefulness.

In the new edition the original authors have associated with themselves Professor Turner, who is particularly responsible for the new material on the West and for the new part dealing with the period since the Civil War. The new edition contains nearly two hundred more pages than the original one, some sixty of which have been added to the subject matter previously treated, while a hundred are given to the period 1865-1910 and twenty more to the index.

The general plan of the original volume has been followed in the new edition, although modified in details. The only feature that has not been expanded is the pedagogical part of the work which has been considerably abridged because of the variety and serviceability of the new material on the teaching of American history which has become available in the last few years, but forty-five pages are still devoted to this subject.

Besides those already mentioned, the following are the most important of the new features: the addition of a great number of references to the new works; the replacing of less accessible works with reference to more available ones; emphasizing the attention given to geography; enlarging the scope of the work to cover sectional development, as well as topics dealing with social, economic and industrial history in general.

The most extensive section of the work is devoted to the presentation of some one hundred and eighty topics with specified references arranged under the four captions, General, Special, Sources and Bibliography indicating the most convenient available and authoritative treatment of particular subjects. The elaborate index of some sixty-five pages renders the various titles and subjects readily available.

"The volume," the authors state, "is the outcome of thirty years' experience in the study and teaching of American history—and is based upon their own class work and investigation." Acting on the principle "that every scholar owes it to the cause to communicate his collections of material," they have made this contribution and thus placed under a debt of gratitude all present and future students of the subject.

HERMAN V. AMES.

University of Pennsylvania.

CHATTERTON-HILL, GEORGES. *The Sociological Value of Christianity*. Pp. xxii, 285. Price, \$2.75. New York: Macmillan Company, 1912.

Some time ago there was published in THE ANNALS a review of a volume on "Heredity and Selection in Sociology," by Dr. Chatterton-Hill, who is Docent of Sociology at the University of Geneva. It is interesting, therefore, to receive a volume of an entirely different nature.

The most pronounced characteristic of this book is the bias of the author. He writes from the standpoint of a loyal Roman Catholic, and is absolutely unable to recognize the worth of the standards of those who do not agree with him in his religious professions. It is indeed comforting to one of his persuasion to have the author review social conditions of Europe, to trace the influence of the Church

and come to the conclusion that those who refuse to acknowledge the supremacy of the Catholic Church are on the wrong track. Thus the doctrine of the Church is Christianity, not merely one phase of it. The development of the Middle Ages with the idea of the equality of all men before God is based upon egotism. This egotism must lead to anarchy, and in view of the necessity for individual humiliation leads logically to the development of some hierarchy to be the representative of God. Democracy is based on egotism, hence is anarchistic and must fail.

So in the study of marriage and family life. To allege that hatred of restraints on sexual intercourse was the chief factor at work in the anti-Catholic movement of the sixteenth and seventeenth centuries, and is the principal lever of the modern revolutionary movement is ridiculous. It will certainly surprise many of the descendants of the Puritans to learn this. It logically followed then that husband and wife were unequal for the moral law. Hence the attitude of the Catholic Church toward the family is different. To study *Struggle and Suffering* (chapter vii), and learn that religion is never humanitarian is to give one an impression that, to say the least, does not tally with the present developments in the United States. The result of it is, therefore, that the logical result of Protestantism is self-destruction. Only by recognizing the frailty of the teaching of the Church by modifying one's own opinion whenever the Church declares that this or that is the true doctrine is safety to be found.

The book will be to non-Catholics, therefore, chiefly of interest as showing the intellectual subserviency which must necessarily result from the acceptance of a final standard in controlling evolution. Devout Catholics will be far more sympathetic than is the present reviewer, but there will be many of them who doubt whether such wholesale condemnation of other groups is an indication more of scholarship than keenness of vision.

CARL KELSEY.

University of Pennsylvania.

DOUGHERTY, J. H. *Power of Federal Judiciary over Legislation.* Pp. viii, 125. Price, \$1.00. New York: G. P. Putnam's Sons, 1912.

This book was written to prove that, prior to the formation of the national constitution, the state judiciary claimed and used the power to judge laws, repugnant to the state constitution, to be null and void; that although this right of the judges was challenged in some instances, their conclusions were generally accepted; that these decisions were known to the members of the Federal Convention; that the existence of such a power was assumed in the resolution and letters submitted to the states by the Congress of the Federation in April; and that, in establishing the federal judiciary, the convention aimed to create a tribunal which should enjoy a like prerogative, with the adequate power of setting aside acts of congress repugnant to the constitution. This is the second book published to prove that the framers of the national constitution intended to give to the supreme court the power to declare congressional acts null and void.

The monograph is a thorough-going presentation of one side of this never-ending controversy. The author does not at all times clearly distinguish between the undoubted desire of the framers of the national constitution to make the

judiciary independent, and the proposition that this independent judiciary was to have plenary power to declare congressional acts null and void. He discusses the cases in which the state judges claimed and employed the power to judge state laws unconstitutional, but he does not prove at all that their conclusions were generally accepted. He assumes that the clause of the constitution making "this constitution and the laws of the United States which shall be made in pursuance thereof, . . . the supreme law of the land," and binding the judges in every state thereby, was passed primarily to give to the supreme court "the right of review of all state legislation inimical to the organic law of the Union." A study of the debates in the convention would reveal that this clause was adopted primarily in order to give to the national government sovereign powers and to give it powers over the individual rather than over the states and thereby dispense with the plan of giving to congress the power to nullify state laws or of giving to the President power to call out the military forces to compel the states to obey.

As a whole, however, the author presents his thesis with ability and exactness. The book cannot but make the most careful opponent to the proposition rather insecure in his beliefs. What is needed now is a volume that will make the distinctions noted above and present side by side all the available material on both sides of the question.

Mr. Dougherty feels that no law should be set aside as unconstitutional unless it is "plainly and palpably so" and that no law can respond to this test when the court is seriously divided regarding it. He, therefore, recommends that a statute be declared in conflict with organic law only by unanimous, or nearly unanimous, vote of the court, and that the state through its attorney-general should always be given an opportunity for a rehearing when laws are declared unconstitutional. He also feels that all cases involving the due process of law clause in the fourteenth amendment should be appealed to the United States Supreme Court.

CLYDE L. KING.

University of Pennsylvania.

ELLWOOD, CHARLES A. *Sociology in its Psychological Aspects*. Pp. xiv, 417
Price, \$3.00. New York: D. Appleton & Co., 1912.

In the last ten years Professor Ellwood has gained a deserved reputation as a careful student of social theory. He has the power of stating his views clearly and forcefully, and he creates the impression that he is not intentionally slighting ideas which he himself does not hold.

The present volume begins with a survey of the various conceptions of sociology and of society in which the conclusion is reached that "The study of social evolution, then,—that is, of social changes of all sorts, from those of fashions to great industrial and political revolutions,—is the vital part of sociology." "Sociology . . . is an abstract, theoretical science of the social life." Thus it differs from history—the description of past events.

Biology and psychology are to the author the chief foundations of sociology, though the former plays a restricted rôle limited to such subjects as population, heredity, national selection. The great mass of the questions are psychological.

Here is the beginning of a query which must constantly rise in the mind of the careful reader—to what extent does Dr. Ellwood think of psychology as a physical science—the biology of the brain and nervous system—and to what extent does it carry metaphysical connotations? On page 68 he says that sociology “starts with the common-sense view of the world, assuming the existence of real individuals, who are both physical and psychical beings, and who are in mental interaction with one another.” This may be true of his sociology, but with reference to that of others all depends on whether he uses “physical and psychical” as indicating different things or different aspects of the same thing. Apparently from the following pages metaphysics has not yet lost its grip on him, but his argument here is unconvincing.

Now if the will is free it becomes necessary to draw a distinction between cause and effect in the physical and in the organic worlds. This is done by use of the terms “stimulus” and “response.” “The laws of physical science are laws of cause and effect in the mechanical sense. No such laws are possible in social phenomena.” “Law in the social science, then, rests upon the fact of habit.” “A social law is a statement of the habitual way in which individuals, or groups of individuals, interact.” “But the uniformities of human nature and society are due to instincts and habits.” Yet on page 97 we are told that “it can be accepted as a general truth that the more complex and varied the bodily movements are in a species, the higher its intelligence;” or “At any rate, bodily activity is the basis of mental life,” which would seem to bring us dangerously near to cause and effect again; or, on page 115: “The feeling, in other words, which we term emotion is the result of bodily movements, and not bodily movements the result of feeling.” With a great part of this chapter, I am in hearty accord, but it seems to me that the author is caught in a dilemma from which he fails to escape.

“The origin of human society is in the instincts established by natural selection long before the human stage was reached.” “Society is the co-ordination of the activities of individuals.” Hence social co-ordination is the central fact in society and social self-control is the fundamental fact for psychological sociology. This thesis is developed at length.

One of the longest chapters is that on *The Role of Instinct in the Social Life*. As already indicated, to this the author attaches great importance, for if we are “to understand human society on its spiritual side, we must begin, therefore, with the human instincts.” By instinct the author apparently means hereditary nerve reactions. These are not fixed, mechanical but rather vague, indefinite, easily modified by environment. They are hard to discover in human society and yet nearly all human actions are based on them and their combinations. Unless perverted, these instincts are helpful, but apparently they are easily perverted. Dr. Ellwood says that the psychological sociologist does not need to go back of current psychology. He might as well claim that the sociologist studying the effect of religion on society should stop with the pronunciamientos of the Catholic Church. I believe there is a proper use of the term instinct, but it seems to me it should be clearer and more definite.

Later chapters discuss Feeling, Intellect, Sympathy, Imitation, The Social Mind, Forms of Association, The Theory of Social Progress. Space forbids

extended discussion. In them he reviews the work of a large number of men and makes many interesting observations. It is amusing to find him putting Professor Patten in the same boat with Marx, just at the time when Professor Small is extolling the latter and Professor Patten is trying to show that Marx' theories are sociological, not economic.

Though I have indicated some places where I feel the author has not made good his case or wherein I differ from him, I have greatly enjoyed reading the volume. It is not too much to say that it is one of the significant books on social theory of recent years.

CARL KELSEY.

University of Pennsylvania.

EVANS, MAURICE S. *Black and White in South East Africa*. Pp. xvi, 341. Price, \$2.50. New York: Longmans, Green & Co.

This book is a study of the relations of the white and black races in that part of South Africa which held public attention during the British-Boer War and during the native uprisings of Zulus and their neighbors. The territory comprises the Transvaal and Natal, bordering upon the Indian Ocean. This is the land of the Abantu, which the white man has invaded. Not only is this shown in native names—Basuto Land, Griqualand, Zulu Land, etc.—of subdivisions of the territory, but also by the presence of many marks of European industry and invention beside the native kraal and culture. This is the stage for the drama played by "A white oligarchy, every member of the race an aristocrat; a black proletariat, every member of the race a server; the line of cleavage as clear and as deep as the colors."

But the author shows that the differences are deeper than the colors. To the native, the tribe and family are the ends of life. The individual exists as a means to those ends. The native is a "tribalist." The white man is an individualist and condemns the native government and life as bad, burdened with a despotic chief. Besides, the white man wants wealth and seeks to use every power of nature and man to secure it; he demands individual possession of this wealth. The native tribalism leads to communal systems of land-holding. The white man's individualism results in private ownership of the land and native displacement from it.

A chapter on Land—the Need of the Black Man, and another on Labor—the Demand of the White Man, make clear that after the period of Dutch settlement with its patriarchal relationships and crops for home uses, settlers have come with ideas of farming by latest methods for export and profit. The native has been crowded out from the best lands and is forced to pay rent for what he continues to occupy. More labor is demanded of him. This is distasteful because his theory of life does not include the white man's idea of continuous work for gain. In Natal, the settlers do not want a land-holding peasantry or cattle-owning tenants, but laborers on their farms. In Basuto Land and a few other sections where a liberal policy of land-holding for the native has been enforced, beneficent results have followed. The Abantu is unprepared for and averse to "violent changes" in his social order and industrial life; he loves the land and cries out against the threatened divorce from it.

Another phase of the labor problem grows out of the European's aristocratic restrictions relative to his and the native's kind of work. All clerical and skilled work belongs to the white man. All menial work is the native's work. Europeans who cannot employ servants lose caste. With the breaking up of communal life on the land and the consequent over-supply of native labor, there has grown up the custom of keeping servants in waiting to do everything. Most of the work of the natives is done without adequate instruction or supervision. These conditions with others lead to listlessness in the black worker and to charges of stupidity and laziness from the white public.

The author believes that land settlement on some plan, which recognizes the tribal idea of the native, will help solve the land problem and that "industrial education," a system of apprenticeship, and a revision of wages based upon efficiency will affect the labor problem favorably.

In a chapter on Missions and Education a strong brief in favor of both is made. The "unselfishness and altruism of the missionary" have been the one firm pledge to the native in times of uprisings that the white man still desired his good. Against the general opposition to native education, the mission schools have proved by the after lives of their students that education, besides increasing their value to the state as producers and to employers as efficient workers, prepares them to be members of society with wholesome characters, interests and activities, with hope and trust in the future.

"What the Black Man Thinks" as a result of his experience with the white man is brought out clearly in the expression of both educated and uneducated natives who testified before the Natal Native Commission appointed after the rebellion of 1906. The author was a member of the commission and says that the natives made it known that the passage of laws and restrictions and their enforcement without explanations, the impersonality of the laws, the lack of voice in the government and similar conditions had created a deep distrust and lack of confidence in the white man and his good intentions.

In chapter viii, the Effect on the White Man of the contact with the Africans is considered. The question is raised whether or not any race can reach its highest development and be truly successful when its life is based upon the servile labor of another people. The easy condition of South African life, the author thinks, has a tendency towards degeneration and destruction of that ever-rising mass of the white population from whose ranks the corps of the leaders must be recruited. He does not prophesy concerning the outcome of the situation but he holds that "for the future" the white man must rule, the native and those who have his confidence must have some share in working out the policies framed by a parliament elected by the white man, and the races must live separately, "to give both opportunity to build up and develop their race life."

The book is the product of an author who has lived a lifetime amid the conditions of which he gives account. Undoubtedly he would be considered by the majority of his fellow-countrymen as a liberal, but one questions the conclusions of a writer who for the most part seems impartial and unbiased, yet fails to follow the logical inferences of his own facts and testimony. There is contradiction between his high estimate of native capacity and the small share he would ultimately allow the native in the control of the common life.

The book might have been written more concisely and reconstruction would make many a sentence clearer.

GEORGE EDMUND HAYNES.

Fisk University.

FLETCHER, C. R. L. *The Making of Western Europe.* Pp. xi, 409. Price, \$2.50. New York: E. P. Dutton & Co., 1912.

It is interesting to come upon a history of the Middle Ages written with no pedagogical purpose but prompted solely by the author's interest in the period, an interest first aroused, as he confesses, by reading Professor Kerr's volume on the "Dark Ages" in the "Periods of European Literature." That "mere idleness" should have prompted him thereafter to set down such ideas as he had been able to collect from his readings, might lead one to suspect that only a disjointed and cursory survey would be the result, but this would be a mistake. Mr. Fletcher has read widely and well not only in the sources but in some of the best modern literature on the period to be found in the leading languages, and the result is a fresh and well-considered discussion of the history of western Europe, exclusive of England, from 300 to 1000 A. D. The subject is not one that lends itself readily to general treatment and naturally not all portions of the book are equally satisfactory. This is true for example of his discussions of church institutions and of the chapter on the confused period between the death of Charlemagne and the accession of Otto I, where the sacrifice of details for a general discussion of the trend of events would have added to the clearness. Likewise the foundation of the German monarchy on the Church and the general ecclesiastical policy of Otto, followed as it was by nearly all the emperors down to the accession of Frederick II, are not brought out with sufficient emphasis. On the whole, however, the plan and execution of the work make it for the general reader the most satisfactory history of the times that I am acquainted with.

The style is easy and vivid but descends at times to colloquialisms that seem out of place in a book of this character. If it had been written in this country we should have been treated by English critics to severe strictures in respect to its slang and Americanisms. The race prejudices of Mr. Fletcher when speaking of the peoples of eastern Europe also seem unnecessary in a work of this character, but as the author wrote the book for his own pleasure and not as a text-book, such expressions can be considered only as a matter of taste.

It is to be expected that a number of errors in detail should find their way into a narrative covering some seven hundred years of European history, and some of these may be pointed out. Senators in the later empire were not exempt from the annona tax (p. 30); we have no authority to prove that Constantine's army was penetrated with Christianity in 312 (p. 52); while the Vandals agreed to pay a rent of grain and oil for the province of Africa there seems to be no evidence that they really did so (p. 85); Clovis did not obtain his wife by stealing or enticing her away (p. 107); not many lives of the saints of the sixth and seventh century are contemporary documents (p. 161); Grimoald was mayor of Austrasia, not Neustria (p. 179); during the years 924-962 there were still people calling themselves emperors in the West (p. 272); the influence of the False Decretals on the policy

and success of Pope Nicholas I is overestimated, if indeed it existed at all (p. 299); there seems to have been no "Duchy of France" in the tenth century (pp. 339, 349); the absolute dependence of the daughter houses on the monastery of Cluny was a relatively late development in the constitution of that Congregation (p. 361); the whole conception of criminal jurisprudence among the Franks, and the king's relation to it, is distorted and in some respects quite wrong.

On the other hand the book closes with a short but most excellent popular account of the beginnings of feudalism, and it is refreshing to find an English writer who speaks of "Carolingians" instead of using the perverted form "Carlovingians."

A. C. HOWLAND.

University of Pennsylvania.

GEORGE, W. R., and STOWE, LYMAN B. *Citizens Made and Remade.* Pp. vi, 264. Price, \$1.25. Boston: Houghton Mifflin Company, 1912.

Trial and success in making the bad good is the record of achievement voiced in this little volume. Daddy George, as he is affectionately called, has given us a true picture of the evolution of his work in founding and developing the George Junior Republic, and told how he had forced in upon him by his personal work with the boys the need of developing the principles of self-government and reform through labor. The charm of the book lies in the humaneness of its interpretation, with the naïve blunders which resulted in a discovery of democracy. The curative power of labor likewise finds its justification as a perfectly natural growth in the little social community, though its introduction there came not as a result of reasoning but through pique at the impositions resulting from boyish greed. The soundness of the argument for self-expression and the development of democracy loses nothing of its charm because of its failure to prove its inheritance from some Greek or Hellenistic philosopher, while the illustrations of its application by others in public schools, amid the steppes of Siberia and on the islands of the Pacific, prove both the universality of the doctrine and the suggestiveness of the experiment at Freeville, N. Y. The experience of Mr. George, interpreted and embellished by the grandson of a great liberator, should find a broad and interested public.

Mr. George has added to his book of fact—an interesting fact it is—a scheme of theory supposedly based upon his former experience, though nowhere does Mr. Stowe uphold this contention, and it is interesting to note that it is only Mr. George who has guaranteed to stake his reputation on its outcome. The scheme proposed for the reform of all criminals is a chain of walled camps, the criminal being dropped from one to the other as he commits crime against each camp community. The theory of the Nth power is lightly touched on, while the final camp is not definitely located, but this is not serious, for by the time the plan is discussed as an experiment to grow out of the Junior Republic, the serial idea of camps has been entirely forgotten, and we have left the really valuable suggestion of the development of the Junior Republic idea of self-expression and labor into the so-called honor system and productive education ideal which is to-day reforming our penal institutions.

E. STAGG WHITIN.

Columbia University.

HINE, C. DE L. *Modern Organization*. Pp. 110. Price, \$2.00. New York: Engineering Magazine Company, 1912.

The chief value of Mr. Hine's book lies in his emphasis on the danger of over-specialization in the organization of the management force. He points out that sharp departmental lines tend to create friction between officials, to limit their power to improve methods, and to make them narrow and apt to over-estimate the importance of their respective departments. In a widely extended business like railroading, the centralization of control leads to a loss of personal touch with local conditions. Unwise decisions are too often made by an office force ignorant of the outside executive work.

The few simple suggestions, which Mr. Hine offers for the correction of these defects, are mixed with a considerable mass of more general remarks, which make it rather hard to pick out just what remedies he proposes.

Briefly he suggests that railroad executives be given uniform titles with less sharply defined authority, so that in the absence of the senior official the other executive officers can act for him in their own name rather than leave the decision to the chief clerk. With this idea he combines a central office file for all correspondence. Thus Mr. Hine insures that executive problems will be settled by an executive man and not a clerk. He breaks down the petty jealousies, arising from sharp departmental lines, by bringing the various executive officials into contact with each other's work. He gives them the broader training that is so sadly lacking in a more highly specialized system.

Mr. Hine's suggestions apply with greater force to a widely extended business like railroading than they would in a more compact one. Yet, at a time when specialized functional management is being so strongly emphasized, his book is very timely as a reminder of the evils that over-specialization may produce.

A. G. WHITE.

University of Pennsylvania.

LEWIS, A. M. *An Introduction to Sociology*. Pp. 224. Price, \$1.00. Chicago: Chas. H. Kerr & Co., 1913.

In the author's preface we are informed that "the contents of this book were first presented in the form of twelve lectures from the stage of the Garrick Theatre, Chicago, in the autumn of 1911 to an audience composed chiefly of working men." It is not a reproduction of the lectures but a re-written and condensed statement of the material intended primarily for a larger group of readers "who have not yet been reached by the sociologists of the university chairs."

In the main it is an analysis of the contributions to sociological thought of Comte, Spencer, Razenhofer, Marx, Small and Ward, a list conspicuously incomplete. While there are many valuable interpretations the work is fragmentary and detached. In portions of the book fully half the material is quoted without a single reference by which the quotations can be verified, and there is no index. It is difficult to understand how the author has been able to devote the volume to a criticism of sociological theory and then practically identify sociology with social reform in the last chapter.

While many readers will neither agree with the interpretations nor accept

without modifications many of the conclusions reached, the method of approach to the subject is extremely valuable. Any serious attempt to give perspective to a science of such vast practical importance in the shaping of our new self-conscious civilization is a contribution to the literature of the subject.

J. P. LICHTENBERGER.

University of Pennsylvania.

MACGOWEN, J. *Men and Manners of Modern China*. Pp. 351. Price, \$3.50. New York: Dodd, Mead & Co., 1912; GILES, HERBERT A. *China and the Manchus*. Pp. viii, 148. Price, 40 cents. New York: G. P. Putnam's Sons, 1912.

In the great multitude of books called forth by the recent increase of interest in China, these two are somewhat decidedly superior to the average in real value. Mr. Giles has succeeded in sketching the career of the Manchu conquerors with a picturesqueness and clearness which give to the study a certain fascination, notwithstanding the brevity of the statement. Mr. Macgowen has shown an appreciation of facts that are significant to a serious student of human society,—facts which serve to suggest once more the fundamental uniformity in the social evolution of widely separated peoples. He brought out, for example, the theory of law that all land is the sovereign's, that the *patria potestas* prevails with a Roman severity, and that the atonement even for murder by a money-payment to the relatives of the victim is in force. A striking passage describes the system of governments through successive links in a network of responsibility from the neighborhood group to the emperor and the God of Heaven.

The Tipao—chief of a ward or township—must know intimately each person's occupation "what he is doing either by day or night, what scheme his brain is plotting, and what are his sources of private income . . ." The Tipao "has a large amount of arbitrary power, for he can refuse to allow persons of doubtful reputation or uncertain means to reside within his jurisdiction." He himself is liable to be punished if he fails to prevent something that has taken place in the district that it was utterly impossible for him to know about. Above him is the county magistrate, and beyond a succession of officials, each responsible to the one above. The emperor is accountable to heaven, so that when he is conscientious, heaven sends down blessings, but pestilence and famine are the results of his failure of duty. "The visible machinery that is composed of living men is like a huge net, the meshes of which are spread with never-ending entanglement, and which bind each successive grade and division of society, one to the other, by the mysterious bond of 'Responsibility.'" "The profound belief that heaven is the final court of appeal when misgovernment has driven the nation into revolution has no doubt tended to keep alive the democratic spirit which lies deeply imbedded in the Chinese heart."

Twenty-five chapters describe vividly as many phases of Chinese society—religious, literary and economic. In fact, there may be suspicion at some points that the impulse to entertain has given rise to some little exaggeration. Thus it may be doubted whether in any literal sense "the Chinese prefer oblique methods to direct ones."

A. P. WINSTON.

Pearre, Md.

MEAD, LUCIA A. *Swords and Ploughshares*. Pp. xii, 249. Price, \$1.50. New York: G. P. Putnam's Sons, 1912.

A New England conscience, Yankee shrewdness, womanly intuition, cogent reasoning powers, a decided gift for forceful and concise statement, the courage of one's convictions and a long and intimate knowledge of the development of the peace movement, form a fine combination of qualities for the author of a treatise on the great subject of International Peace. This combination is possessed in a noteworthy degree by the author of this book. Mrs. Mead is among the foremost workers for international peace and she is honorably distinguished, both for her unwearied and effective propaganda on behalf of the peace ideal and for her advocacy of definite means of realizing it. This is the two-fold characteristic of the peace movement in this country according to the Baroness von Suttner who writes a "fore-word" for Mrs. Mead's volume.

The book traverses most of the phases of the peace movement of our time and is valuable throughout, but perhaps especially so in its refutation of the arguments of the militarists, and especially of Admiral Mahan in advocacy of a "big army" and a "big navy." The reader of the book will find himself in possession of the main threads of the peace movement of the past and the present, as well as of the most promising lines of development in the immediate future. A score of well chosen illustrations, and a good index help to make this very helpful volume of still greater service and significance.

WILLIAM I. HULL.

Swarthmore College.

MONTGOMERY, R. H. *Auditing: Theory and Practice*. Pp. xxix, 673. Price, \$5.00. New York: Ronald Press Company, 1912.

Mr. Montgomery is especially fitted to write a book on the subject of Auditing, owing to his long experience as a practicing accountant and as the editor of the American edition of "Dicksee's Auditing." The book will supply a long existing want which has been felt in the field of text-books upon the subject of auditing.

The practical auditor only becomes proficient through years of experience in the auditing of the books and accounts of business concerns and companies. The author has admirably succeeded in giving to us in his book, not only a full discussion of theory, but the fruits of over twenty years' experience in the field of professional accountancy.

The qualifications and liabilities of the professional auditor are carefully and completely discussed, as well as proposed legislation which would affect the professional auditor, in the carrying out of his obligations to his clients and to the public.

The general types of audits as relating to the balance sheet and the profit and loss account, as well as the difference between certificates and reports of various kinds which may be given for partial audits and complete or detailed audits, are fully covered.

Especially good are the chapters devoted to the main points to be considered in different classes of audits. Here the author sets forth for the benefit of the student certain of the conditions which may be expected to be found when an

audit of any business is commenced. Among the special businesses treated are National and State Banks, Saving Fund Societies, Stock Brokers, Building and Loan Associations, Life and Fire Insurance Companies, Publishing Houses, Mining Companies, Department and Branch Stores, Public Service Corporations, Municipalities and also the Accounts of Executors and Trustees.

The particular feature of Mr. Montgomery's work which commends it to the student or accountant is found in his setting forth of the general operating processes in most of the businesses discussed.

The fact that all of the material contained therein is thoroughly up to date has also contributed to the value of the book as a reference work.

E. P. MOXEY, JR.

University of Pennsylvania.

MOULTON, H. G. *Waterways Versus Railways.* Pp. xviii, 468. Price, \$2.00. Boston: Houghton Mifflin Company, 1912.

Recent years have witnessed a widespread agitation in the United States for the development of inland waterways. That water transportation is cheaper than transportation by rail, that the development of the railroad service is not keeping pace with industrial and commercial growth, and that the nation would be greatly benefited by the construction of a great system of inland waterways, which would serve the twofold purpose of supplementing the railroads and regulating their charges, have been almost universally accepted as truisms and allowed to pass without challenge. The many firm believers of these statements Mr. Moulton's volume will rudely shock, the few doubters it will render extremely suspicious, and those without prejudice it will surely convince that like most important questions, that of inland water transportation has at least two sides.

The volume is emphatically a presentation of the case for the defense. The advocates of waterways always assert that carriage by water is cheaper than carriage by rail, and this element of lower cost to shippers is the chief argument advanced in favor of a nation-wide system of inland waterways in the United States. Mr. Moulton endeavors to prove that transportation by rail is cheaper and more economical than transportation by canal or river, and moreover shows how railroads have invariably competed successfully with American waterways.

The most interesting and significant chapters are those dealing with the canals of Europe. The usual refuge of the advocates of waterways, when confronted with a history of the failure of canals in the United States, is to dilate on the efficiency and economy of canal and river transportation in European countries. A personal study of the various canals and canalized rivers of Great Britain, Germany, France, Belgium and the Netherlands has convinced Mr. Moulton that there is little real foundation for the general belief that the inland waterways of Europe are an unqualified success.

Chapters xv-xix are a specific attack on the three most important waterway projects before this country, the Lakes-to-Gulf scheme, the improvement of the Ohio River, and the enlargement of the Erie Canal.

His enthusiasm for his cause has probably led Mr. Moulton to overstate it in some respects. His interpretation of J. J. Hill's speech, though clever, is

likely unwarranted; he makes too little allowance for the effect of water competition in railroad rates; he gives too little consideration to the long-continued failure of congress to compel the cooperation of railways and waterways. It may also be added that statistics collected since 1901 tend to disprove many of his statements concerning the Manchester Ship Canal.

T. W. VAN METRE.

University of Pennsylvania.

MUNRO, WILLIAM B. *The Government of American Cities*. Pp. ix, 401. Price, \$2.25. New York: Macmillan Company, 1912.

This is a scholarly and comprehensive discussion descriptive of the formal and the actual, the proposed and the adopted, forms of municipal government. The author includes what he has to say in his four hundred pages under the following chapter headings: I. American Municipal Development; II. The Social Structure of the City; III. The City and the State; IV. Municipal Powers and Responsibilities; V. The Municipal Electorate; VI. Municipal Nominations and Elections; VII. Municipal Parties and Politics; VIII. The City Council; IX. The Mayor; X. The Administrative Departments; XI. Municipal Officials and Employees; XII. City Government by a Commission; XIII. Direct Legislation and the Recall; XIV. Municipal Reform and Reformers.

The book thus follows the traditional treatment but it also includes, to an unusual extent, a discussion of current problems and proposals. In discussing these, the author usually attempts to state both sides of the question. In the discussion of the initiative and referendum, for instance, he analyzes the following arguments for and against direct legislation: (1) that representative government cannot be made efficient without it; (2) its educational value; (3) its effect in increasing popular respect for the law; (4) the conciseness and clearness of statutes resulting from its use; and, negatively—(1) that it impairs the calibre of representatives; (2) that it is an effective means of permitting class legislation and puts a heavy task upon the voter; (3) that the referendum at best secures only a partial expression of popular opinion; (4) that voters are activated by emotion, prejudice and caprice. As to the value of direct legislation, he concludes that "the next decade is likely to teach us a great deal."

He discusses the current arguments in favor of the recall, that it keeps officials responsive to the popular sentiment, permits longer official terms; and also the negative arguments, such as that the voters are not capable of even electing capable men much less to remove them, and concludes that, "there is little reason to hope that electoral tendencies at recall elections will differ greatly from those commonly displayed at ordinary pollings. This is another matter in which everything hinges upon the sort of traditions developed. A somewhat rapid development is now in progress; and upon the ultimate product will depend, in large measure, the usefulness which the recall can display as an addition to the machinery of American city government." He gives the arguments for and against commission government in much the same way.

The author lays special stress upon the efficiency of the internal organization of the city as distinct from its charter and formal organization. He states that

the success of city administration depends upon the skill with which the city's administrative machinery is adjusted and the ability which is shown in getting the right subordinate in the right place. He forcibly points out that the final solution of the "chief municipal problem of the American city, that of getting full value for the city's expenditures, depends even more upon the intelligent organization of business details than upon the mere enunciation of sound political principles in city charters. . . . The bureaus of municipal research that have come into existence in recent years are pointing the way to thorough-going reform in this direction."

The author promises a second volume dealing primarily with the administration and the functioning mechanism of municipalities. The first volume certainly does all that the author says he has hoped to do—to provide "both for the college student of municipal government and for the general reader an introduction to the study of a very large and important subject."

CLYDE L. KING.

University of Pennsylvania.

POOLE, REGINALD L. *The Exchequer in the Twelfth Century*. Pp. xi, 195. Price, \$2.15. New York: Oxford University Press, 1912.

The literature on the origin and early organization of the English exchequer has previously been somewhat unsatisfactory. Although considerable in quantity and although much of it represents scholarly attainment of high order, yet the student who sought in this literature for the exact state of our knowledge on the subject had no easy task. Scattered pieces had to be brought together, obscurities dispelled, misconceptions and errors eliminated, and conflicting views reconciled. The present volume in large measure obviates such difficulties. Because the contents were prepared for delivery as lectures, the author "sought before all things to be plain and free from ambiguity in expression" (p. vi). He succeeded without sacrificing that scholarly accuracy which we have learned to expect from him. Older views and conclusions, tested by a searching historical criticism, are placed before us stripped of inaccuracies and relieved from obscurity, while new facts and suggestions greet us with frequency. The result is a stimulating and authoritative book.

The first three chapters contain brief but illuminating remarks on the sources and literature and a discussion of origins. The chapter on the ancient treasury well illustrates the method of combining exact definition and new contribution. When the *hordere* has been reduced to the position of a land-steward and the treasurer is shown to have no pre-conquest evidence, we are likely to conclude that the only elements of the exchequer yet traced with certainty to the period before the Norman Conquest are the chamberlains, blank payments, and the farm of the county. New is the suggestion that the payment *ad scalam* is merely "blank payment taken on an average" (p. 32); and new, too, is the inference from a royal writ that the pipe roll was already in existence before 1116. The treatment accorded the "farm of one night" charged against some of the royal manors in Domesday is somewhat disappointing. It seems doubtful if the

evidence produced is sufficient to support the assumption that "this farm bears traces of having been at one time a nearly uniform sum" (p. 30).

The most notable contribution deals with the introduction of the method of reckoning whence the exchequer derives its name. This crucial problem has received much attention from students, but Mr. Poole's is the first acceptable solution. The results of his enquiry may best be summarized in his own words. "The system of the Exchequer," he says, "is a system based upon the abacus. Treatises on this subject were written at Laon, one of them by Adelard of Bath. . . . The school of Laon had an unequalled influence on English scholars, one of whom lived to be treasurer. And this influence was exerted precisely at the time when the system of the abacus was introduced into the English treasury" (p. 56). These conclusions, with the possible exception of the last, are supported by convincing evidence. That the system of the abacus was adopted before the period of the influence of Laon had ended is clear from a royal writ, issued not later than 1118, which is addressed to Roger, bishop of Salisbury, and the barons of the exchequer; but it still appears possible that the system may have been adopted before this period of influence had begun. This possibility, however, is not a probability, and the conclusion, that the exchequer was not brought from Normandy, but was introduced by Englishmen who learned the system in France, seems highly probable. Furthermore, officials of the Norman exchequer were associated with officials of the English exchequer in such manner that they may well have carried the system from England to Normandy.

Four chapters dealing with the organization and work of the exchequer consist mainly of a critical interpretation and exposition of the *Dialogus*. The duties of the officials who formed the staffs of the exchequer and the treasury of receipt, the making of the sheriff's account, and the contents of the pipe roll are explained with a refreshing simplicity. Of the many contributions in this section the one most interesting to the reviewer concerns the positions occupied by Thomas Brown and Richard of Ilchester. Mr. Poole inclines to see in these two officials the direct predecessors of the later remembrancers. He finds several bits of evidence pointing to the existence of the remembrancers before their regular series of rolls began in the reign of Henry III, and his interpretation of the *Dialogus* makes it seem probable that the roll kept by Thomas Brown's clerk was not an exact copy of the pipe roll, but rather a set of extracts such as might be placed naturally in a roll of memoranda. He fails, however, to discover an historical continuity between the functions discharged by Thomas Brown and those of the subsequent remembrancer.

The subject of the final chapter is the relation of the exchequer to the King's court. We are cautioned not to break up the King's court at too early a date, for, though a tendency towards differentiation is observable in the reign of Henry II, our evidence makes it unsafe to speak positively of a separate court of exchequer, King's bench, or common pleas until a later period. The administrative and judicial developments of the reigns of Richard I and John are shown to have a significance hitherto not fully recognized. There is not only a distinct increase in the importance of the chancellor during this period, but also a separation of the chancery from the exchequer which results in many changes in both bodies during the thirteenth century. This general reorganization taking place

at the close of the twelfth century Mr. Poole is disposed to attribute to the activity of Hubert Walter.

W. E. LUNT.

Cornell University.

PORTENAR, A. J. *Organized Labor: Its Problems and How to Meet Them.* Pp. vii, 134. Price, \$1.00. New York: Macmillan Company, 1912.

This volume presents an interesting discussion of the problems that are at present confronting the labor movement in this country. The author discusses under the headings of Syndicalism, Organization by Industry, Arbitration, The Strike, Insurance Benefits, The Apprentice and Cooperative Trading, the question that he has raised, "What shall we do?" The book faces frankly the problems of unionism. The answers show clearly the attitude of a large group of union men. The author is a union man addressing other union men and he points out a course of action that is midway between the conservative group that is at present in control of the American Federation of Labor and the radical group represented by the Western Federation of Miners and more recently by the I. W. W.

The book is clearly written and very suggestive. The analysis of Syndicalism and the chapter on Cooperative Trading are particularly valuable.

The author feels that unionism must be by industry rather than by trade, so that there may be complete organization and so that those whose wages are lowest may be included in the movement. But there should be agreements and arbitration. The strike should be a weapon kept ready for use, but seldom used. The syndicalist "desire to be free to strike at any moment they may deem opportune" is discountenanced as is its declaration of unceasing war. "In an age and in a country where education and the franchise are the guaranteed privileges of the humblest, I have abounding faith that the school book and the ballot will make unnecessary the rifle and the bomb" (pp. 12-13).

Some form of arbitration is advisable and necessary, but both parties should be equal. The various unions in an industry have not been able really to cooperate in the making of agreements. The boycott and the union label, the author feels, have been unsuccessful, aside even from the attitude of the courts, because they are difficult and expensive to maintain.

The suggested answer to the question is "that a great cooperative society should be formed, to be controlled and directed by the international unions" (p. 97). In this way the "real wages" of the working man would be materially increased, the unions would be strengthened because only union-made goods would be sold and many persons would be attracted because of the profits accruing to the union.

English unionism furnishes the author with his argument for insurance features, but he follows the conservative group in this country in opposing the English plan of "labor parties." He favors cohesion on matters directly affecting unionism, but for the most part independence of thought and action in politics.

ALEXANDER FLEISHER.

Philadelphia.

RAILWAY COMMISSIONERS, THE NATIONAL ASSOCIATION OF. *Digest of Laws and Journal of Proceedings*. (Compiled by H. B. Meyers.) Pp. 1507. Chicago: Traffic Service Bureau, 1912.

The National Association of Railway Commissioners, whose membership includes the personnel of the forty-three state railroad and public utility commissions of the United States, as well as the Interstate Commerce Commission, will hold its twenty-fifth annual convention this year. Governmental regulation of public service corporations, which began in the states about 1870, has been an important field for administrative action by both national and state authorities during the last quarter of a century which measures the life of this important association. Legislative action has preceded the creation of these administrative bodies, and frequent amendments to public service laws have been necessitated by judicial decisions, so that both statute books and court reports now contain a great volume of laws and opinions concerning the powers and duties of railroad and other corporations doing business of a public nature.

In order to ascertain the present status of this legislation or the interpretation which is placed upon it by the courts, it has been necessary to have recourse to a law library supplied with the session laws of the various states as well as the state reports. Even then the task was often tedious enough. In recent years scarcely a legislative session has been held without the passage of numerous statutes regulating public utilities, and the compilations are so infrequent that in order to find what the law is upon a particular subject, reference to a number of volumes of session laws is often necessary.

These difficulties have to a considerable extent been minimized by the National Association of Railway Commissioners. With the report of the proceedings of its twenty-third annual convention, it has incorporated a valuable compendium of the national and state public utility laws, together with a digest of federal and state court decisions which interpret these laws.

The compilation of statutes is particularly valuable, giving as it does the complete context of the federal and state laws regulating public service corporations, revised to January 1, 1912. While no indexes are provided, the statutes are arranged by states and the headnotes are given in italics so that enactments relating to a particular subject are readily found. The order of the codes or revised statutes is followed, the section numbers being shown. Complete references are furnished to laws passed since the publication of revised statutes.

Although in the case of some relatively unimportant laws, nothing is given except the headnotes and a reference to the section numbers, the work appears to be thorough and comprehensive. Such constitutional provisions as relate to the subject precede the statute laws, and following the federal acts are the rules of practice before the Interstate Commerce Commission, together with the forms adopted by the commission for use in proceedings brought before it.

Apparently the compilation is designed primarily for the use of the commissions, which are seeking to bring about uniformity and harmony in legislation and administration. It should, however, prove a convenient reference book for legislators, corporation officers, patrons of public utilities, commercial and civic organizations, dealers and investors in public utilities, and students.

The digest of decisions, which occupies a relatively small part of the volume, relates primarily to common carriers. It is designed to be a summary of the more important decisions of the courts involving the powers and duties both of the interstate and state commissions. In an effort to make this portion of the work more valuable than a mere digest, frequent quotations are made from the opinions of the courts. The decisions are grouped under suggestive headings. While a topical headnote in italics precedes the statement of each case, the absence of an index and the difficulties encountered in making a logical arrangement under a general head do not facilitate reference to particular subjects. This difficulty is not so noticeable in the case of those federal decisions which relate to the act to regulate commerce and are conveniently arranged under the various section numbers.

This digest has the merit of embracing in small space a statement of the fundamental powers and limitations, with reference to each other, of both the state and national governments in the regulation of public service corporations. It is intended merely as a guide to the law on the subject, and as such is a valuable supplement to the compilation of statutes which it accompanies.

D. S. HANCHETT.

University of Pennsylvania.

RAPER, CHARLES LEE. *Railway Transportation*. Pp. xi, 331. Price, \$1.50. New York: G. P. Putnam's Sons, 1912.

When Stephenson's invention in 1829 assured the success of steam railway transportation, the United States was a well-established nation, able to develop its own lines independently of European assistance. Indeed the problems of construction and operation were quite different from those abroad. At the very outset English locomotives were found to be unsuited to American conditions, and the manufacture of engines began in this country almost with the construction of the roads. In our policies of regulation, we have not been so independent, but have in many respects profited by the results of English experience.

Nevertheless, our own problems have presented themselves with such insistence that, particularly in recent years, the literature of the subject has dealt primarily with the local situation. Meanwhile developments of a most interesting nature have been taking place abroad. On the continent at least, railway problems are being handled by methods which differ radically from our own.

Professor Raper has recognized this situation. His book is a study of both American and European railway transportation. It has the merit of furnishing an up-to-date review of the conditions in those countries which have made the greatest advances in transportation, and of presenting a parallel statement of the results.

The first half of the book considers the historical development of railway lines, general conditions of traffic, service and rates, and the "ideals and machinery of state control" in Great Britain, France, Italy and Germany. A more detailed, but comparatively brief account of American railway transportation is followed by a chapter on state operation, in which the results achieved in Belgium and Austria, as well as the other countries named, are treated. The last part of this

chapter, which closes the work, is devoted to an advocacy of the parcels post in the United States.

The author states that the book is based upon, and its chief purpose is to "revise and enlarge" Hadley's "Railway Transportation." In general, both works follow the same plan. A quarter of a century has elapsed since President Hadley wrote, and Professor Raper has not only rewritten the history of the earlier period but has brought the account down to date, and has included a discussion of the products offered for transportation in the countries treated, which is not to be found in Hadley. In his conclusions—as, for instance, to the undesirability of state operation in this country and England, the impossibility of securing through competition satisfactory transportation conditions, and the inevitability of combination in the railway business—Professor Raper agrees in the main with his predecessor.

Unfortunately his style lacks fluency and his work does not present the keen analysis of conditions and well-reasoned discussion of principles which still make President Hadley's book delightful reading. It is, rather, primarily historical and statistical. It fairly bristles with tables of figures which have been assembled with care and without which a study of transportation would be valueless. The tables of rates are of particular interest, and are supplemented by discussions of the determining factors in rate-making in the various countries. The review of conditions in the United States furnishes instructive comparisons with foreign conditions which lead Professor Raper to conclude that America has not only lower freight rates than Europe, but a more efficient service. The discussion of operating expenses in the countries considered, based in the main upon a statement of the operating ratios for a period of years, is scarcely convincing.

Other features of the work are not altogether satisfactory. In the discussion of competition and combination in the United States there is no consideration of the application of the Sherman anti-trust law in the Northern Securities case. The recent decisions of the Commerce Court have not borne out Professor Raper's statement that the functions and powers of the Interstate Commerce Commission "have all now become clear and definite."

"Railway Transportation" affords a means of acquiring without much reading a good insight into foreign railway conditions. Its statistics will be of value to the student of transportation, and its elaborate bibliography will be of assistance to the investigator.

D. S. HANCHETT.

University of Pennsylvania.

RAPPARD, WILLIAM E. *Le Facteur Economique dans L'Avènement de la Démocratie Moderne en Suisse. I. L'Agriculture à la Fin de l'Ancien Régime.* Pp. 235. Geneva: George & Co., 1912.

In view of the excellent character of this study on Swiss agriculture at the end of the Ancient Régime it is a pity that the writer should have seen fit to lay so much stress in his title and introduction upon a subject only remotely touched in the body of the work. It is misleading to call the volume "Le Facteur économique dans l'avènement de la démocratie en Suisse," and quite wrong to say, after

speaking of the industrial revolution and the development of Swiss democracy, that the study of these two facts in their origins and their influence constitutes the task of the present work. For outside of the two introductions and a summary at the close, we hear nothing further of the larger project.

This does not, however, affect the merit of the body of the work which is, as the secondary title indicates, a study of the conditions of agriculture in Switzerland at the end of the eighteenth century. In the first chapter he deals with the cattle industry, pasture, cereals, dairy products, milk, butter and cheese, with the vine, fruits, vegetables, tobacco, etc. Next he takes up the financial burdens resting upon the agriculture of Switzerland at the close of the old régime. The second chapter discusses the mode of farming in the lowland, the intermediate and the mountain areas. In connection with the first he analyzes an interesting account by Hirzel (1788) of the model farm of Jacob Gujer of Wermetschweil. The picture affords a very suggestive glimpse of an agriculture emancipated, it is true, from feudalism, but still conducted on the three-field system with the village strips scattered here and there. Of greater, though more technical interest is the third chapter, in which we have a study of the various burdens, feudal and modern, still resting upon the land. They are not only sketched with much skill but a fairly successful attempt is made to show their economic effects.

The book represents thorough and conscientious work, and a scholarly appreciation of the value and use of historical material. Much of this is drawn from the archives, and there is also a commendable use made of the printed literature in the field. There is an index and a good bibliography of seventeen pages.

WM. E. LINGELBACH.

University of Pennsylvania.

RIPLEY, WILLIAM Z. *Railroads: Rates and Regulation*. Pp. xviii, 659. Price, \$3.00. New York: Longmans, Green & Co., 1912.

After a quarter of a century of persistent effort to establish a definite system of federal regulation of interstate transportation services and charges, the American public is still confronted with the fact that the precise meaning of the various laws enacted and the exact status of the administrative and the judicial bodies to which the task of regulation has been delegated is yet undetermined. The irksomeness of such a situation, the increasing importance of the entire question, and the growing determination of the "dim inarticulate multitude" (for whom Professor Ripley confesses a desire to stand as an advocate) to insist on a cessation of the dilatory tactics which have characterized much public action of previous years all combine to create an added interest in this notable contribution to the literature on transportation, as well as greatly to increase its usefulness.

The first part of the work gives an elaborate exposition of the theory of rates, a detailed discussion of the problems of discrimination, routing and classification, a description of the various systems of rate-making employed in the United States, and an account of the movement of railroad rates since 1870. The second part is an exhaustive history of federal railway legislation in the United States from the passage of the Interstate Commerce Act in 1887 to the controversy over the Commerce Court in 1912, with particular emphasis on the successive phases of

judicial interpretation, by which the legislative measures of congress have been emasculated and modified.

The chief fault which the reader finds, as the author anticipated, is the "exuberant mass of illustrative material." In particular does the first part of the volume, dealing with rates, appear over-elaborate. The lack of proportion between the space devoted to premise and that devoted to conclusion gives some of the chapters the appearance of being a somewhat confused mass of concrete details, the import of which would have been made plainer, had the material been subjected to a rigorous process of boiling.

The book is written in Professor Ripley's usual vigorous, pleasing style, and in spite of the elaboration, the interest of the reader does not lag. There are several errors in minor particulars, such as putting Dunkirk, New York, in Ohio (p. 8), making Peter Cooper's engine have its trial run out of Philadelphia (p. 8), calling Austria-Hungary the most sparsely populated country in Europe (p. 35), and giving the date of the Trans-Missouri Freight Association decision as 1896 (p. 111), the correction of which would leave greater justification for the claim as to "scientific rigor."

T. W. VAN METRE.

University of Pennsylvania.

TALLENTYRE, S. S. *The Life of Mirabeau*. Pp. vii, 366. Price, \$3.50. New York: G. P. Putnam's Sons, 1912.

This is the first American edition of this work though a reprint from the second English edition which appeared some years ago. In writing the life of Mirabeau, Mr. Tallentyre had a congenial task. He has a keen liking for the personal, the romantic and the spectacular sides of history, and naturally finds in the career of this eighteenth century tribune of the people, ample scope to indulge his tastes. Born of a "tempestuous race," clever as they were undisciplined, Gabriel-Honoré de Riquetti, Comte de Mirabeau, inherited in full measure the good and evil tendencies save one. Heir to a handsome family, he was "awe-strikingly ugly" as a baby, and at three years old he was scarred for life by confluent small-pox. Affectionate and generous, he had a tyrannical father, a weak-minded passionate mother, a faithless wife, two dearly-loved children, one of whom he never saw, and both of whom died while Mirabeau was imprisoned in the Donjon of Vincennes. Naturally extravagant he was neither taught wise expenditure nor given a suitable allowance. Charged with boundless energy he was given no career. Trained only to be a soldier his father would not or could not buy him a commission. When the *lettres de cachet* of his father gave him years of confinement in one prison after another he turned to writing and developed a ready and eloquent style. Through a sojourn in England he became an ardent admirer of Chatham while his mission to Berlin brought him into contact with Frederick the Great.

Unfortunately, by the time his great opportunity came with the call of the Estates General, dissoluteness had undermined his health, while poverty had driven him to a betrayal of faith in publishing the Secret History of the Court of Berlin in order to obtain money to pay his election expenses. Notwithstanding the many obstacles in his way, however, it needed only the chance of his election

to Estates General to bring out the herculean powers of the man. Less than two years, years of incessant work and fight, were left to him, for he had to pay the price of vicious living by premature death in 1791 at the age of 42, at the height of his fame, the greatest man in France.

Mr. Tallentyre's keen sense for the dramatic, his pleasing style, and a fair amount of patience and scholarly-mindedness in weighing and sifting evidence, has given us a very readable book. While he does not hesitate to disclose the shortcomings of his hero, we often detect the pleading of an advocate rather than the impartial historian. Sources could have been used to better advantage, as is evidenced by the difference in the account of Mirabeau's wife's infidelity (pp. 36-38) and the original letters as quoted by M. Moullet, *Mirabeau en Provence*. There is no mention of Fling: *Mirabeau and The French Revolution*, Vol. I of which appeared in 1908, and which would have served the author well in certain important instances, where his own research has left him in doubt. It would also have revealed to him that "Gouverneur" is not translated into "Governor."

WM. E. LINGELBACH.

University of Pennsylvania.

THWING, C. F. *The Family*. Pp. 258. Price, \$1.60. Boston: Lathrop, Lee and Shepard Company, 1913.

This volume, originally published in 1886, written by the president of Western Reserve University, in collaboration with his wife, was at the time a very interesting and generally accurate discussion from the standpoint of the moralist rather than that of the historian. A year or so ago, the original edition was republished, unchanged, with no reference whatever to the tremendous development of interest and to the extended studies on the family that had appeared in the interim. Apparently, the publishers and the author have come to realize that this was inadequate. The result is a new edition. In this, the bulk of the older text remains substantially unchanged. For illustration: The monumental work of Westermarck is referred to only once, and then only to quote a few lines in support of some position of the author. To the work has been added a very comprehensive bibliography, not prepared by the author, of the books published since the first edition. Unfortunately, however, this bibliography contains titles of a good many important books with which President Thwing seems unacquainted. Thus, in his preface, he states that chapter iii has been greatly enlarged, that he may present more fully the teachings of Christ regarding the family. In this discussion of the development of the early Church, it would seem to the reviewer that some attention should have been paid to the volume published in 1907 by James Donaldson, but there is nothing in the text to indicate that the author ever saw the book. The rewriting of chapter xi, under the title *The Family Destroyed* is far more satisfactory, and yet the author does not indicate that he has seen the volume which is generally considered as the best study of divorce yet printed in this country, although it too is included in the supplementary bibliography. Chapter xii is a new chapter—*The Family Under Socialized Society*, in which some of the newer theories in reference to the family, payment of mothers, eugenics and similar topics are treated.

I have called attention to the deficiencies in the revision because they indicate pretty important defect in what is otherwise a very valuable volume. It is to be regretted that the author did not see his way clear really to rewrite the book. There is a wide demand for a serious study of the family by a man of such breadth of vision and experience as President Thwing, in which the moral and physical values may be emphasized, and the whole kept within the compass of the present work. As it stands, it is a marked improvement over the older editions, and deserves a wide audience.

CARL KELSEY.

University of Pennsylvania.

VAN DYKE, HARRY W. *Through South America*. Pp. xxiv, 446. Price, \$2.00. New York: T. Y. Crowell Company, 1912.

Judging from the title, this book should present the results of personal travels in South America. As a matter of fact it does nothing of the sort. Following a historical sketch, which occupies nearly one-third of the volume, a chapter is devoted to each of the ten republics, and one (of 5 pages) to the Guianas. In most of these chapters historical sketches are prominent. The rest of the book, perhaps half the total text, is devoted to discussions of various things. The farther one reads, the more one wonders how many of these countries, places and things the author has really seen.

No personal impressions or touches are given. Quotations from stock sources are introduced throughout, and in places at much length. Some of the quoted passages fit the situation in a way that scarcely could be improved upon, but in other cases, it seems certain that had the author been over the ground, he would prefer to give his own impressions rather than retail second-hand material. One notable instance of this sort is in the descriptions of Santiago, Chile, where some of the quotations are undeniably bad.

A visit to Paraguay would have given the author so much to tell that he could not have filled his chapter on that country (17 pages) with history (12 pages) and a discussion of maté (4 pages). Having seen both, few people would find that the excellent docks of Buenos Aires suggest those of Chicago, or that the University of Cordova suggests Harvard and Yale. Actual experience on the railroad from Rio to São Paulo would dispel any idea that one may travel over it "almost as comfortably as one may travel from New York to Chicago." A journey through the Argentine would have prevented the mistake of quoting the old, exaggerated statement that that country "has 500,000,000 acres available for cultivation," while even careful use of second-hand material ought to preclude the ridiculous statement that Argentina is in "the first rank of exporters of maize and linseed, second to Russia in the export of wheat, and among the leaders in corn." It is hardly conceivable that anyone could have been in South America to study the countries and not know that their "maiz" is our "corn."

Even in compiling material, much improvement might have been made, both in making use of better sources and in more careful analysis of facts used. Thus Brazilian coffee growing did not begin in Rio in 1760, but in the northern states at least as early as 1723. Argentine hides, skins and wool, instead of having

"no place" in the United States are shipped in large amounts to this country, as shown by any annual summary of trade relations of either country.

If the author has been "through South America," his book does not show it. If his book is purely a compilation, it is poorly done except for some of the historical sketches. With books so much superior readily available, it is hard to find an excuse for a volume of this sort.

WALTER S. TOWER.

University of Chicago.

VINOGRADOFF, PAUL (Ed.). *Oxford Studies in Social and Legal History*. Vol. III. Pp. v, 396. Price, \$4.15. New York: Oxford University Press, 1912.

This volume of the Oxford Studies contains two monographs: "The Estates of the Archbishop and Chapter of Saint-André of Bordeaux under English Rule," by Miss Eleanor C. Lodge; "One Hundred Years of Poor Law Administration in a Warwickshire Village," by A. W. Ashby. Both of these monographs represent the highest type of intensive local study, in which antiquarian erudition is not allowed to obscure the relation of the subject to the general historical problems involved. In each case there is a distinct gain from the limitation of the field of research.

Miss Lodge has studied feudalism with a sympathy that is distinctively modern. There is none of the old prepossession against the system. It is presented in her study as a system under which people lived without much serious inconvenience. There is not the sense of an impassable gulf between medieval and modern times. Again and again she speaks of the many similarities in the general aspect of rural life then and now. "The places in which the vine flourishes have little changed. Perhaps an exception to this might be made in the case of Médoc, which does not seem to have been planted out so early as the rest" (p. 44). "All points to a state of things extraordinarily modern: a great number of small free rent-paying or profit-sharing tenants, bound to their ecclesiastical superiors by ties of money rather than by bonds of allegiance; sometimes bound to the soil and unable to alienate freely, but this by reason of contract rather than by custom or the arbitrary will of the lords; services and dues early commuted into money payments, and the wage-paid laborer the rule rather than the exception" (p. 195).

The emphasis upon the modern appearance of life in the Bordelais might give rise to suspicions of superficiality were it not for the subtlety and care with which the technical questions of feudal law have been met. The discussions of the *alod* and the *homme questal* are refreshing even if the addition of refinement to refinement seems at first excessive. There is an unusual sympathy with the medieval capacity to do without the rigid legal categories which are so common in our modern law. The conclusions are not very different from those of M. Brutails in his "Introduction to the Cartulaire de Saint-Seurin." The *homme questal* was a serf, but the term must not be used without qualification. The status was defined more strictly in the fourteenth century than in the twelfth and thirteenth centuries, and in practice the disabilities were less onerous than might be supposed from the more abstract legal definitions.

The parish of Tysoe studied by Mr. Ashby is situated in South Warwickshire. Parts of the village were enclosed in the sixteenth and seventeenth centuries but most of the land lay in open fields until 1796. The land tax assessments indicate that small proprietors predominated in the early eighteenth century, and increased in numbers for a few years after enclosure. The changed conditions, however, were unfavorable and the land gradually passed into the hands of the wealthy.

The crisis in poor law administration is in this village very directly related to the results of enclosure. Rates were moderate and conditions in the village encouraging until the beginning of the nineteenth century; only then do we find the demoralization of the poor that is so well known from the reports of the commission of 1834.

Mr. Ashby has shown great skill in bringing out the relations of the parish to the general issues but he seldom draws precise conclusions from his material though all his facts are rich in suggestions. In this field it is scarcely possible that anything should be entirely new, but in his treatment of the workhouse test in the eighteenth century, the description of the system of indoor relief in cottages, and the account of the early forms of the Roundsman system, Mr. Ashby presents much that is fresh and stimulating. The Roundsman system has apparently been obscured historically by the destruction of records. Separate books were kept, but they have all disappeared, and there is good reason to believe that they were destroyed before the inquiry of 1832. But this is only one of many significant comments. The study is, indeed, a distinct contribution to the literature upon the Poor Laws.

ABBOTT PAYSON USHER.

Cornell University.

WALLIS, LOUIS. *Sociological Study of the Bible*. Pp. xxxv, 308. Price, \$1.50. Chicago: University of Chicago Press, 1912.

For many years there has been a growing recognition that the philosophy of any people must be explained and interpreted in the light of its history. Oddly enough, in one sense, few have realized that such an interpretation was much needed for the Bible. Though thousands on thousands have studied this literature, the effort to find God therein often results in the loss of the human background. In time it was certain that the method which had yielded such rich results in other directions would be applied here—witness the volume under review.

Now it is generally recognized that our knowledge of the actual history of the Israelites is meager and broken. Many conflicting opinions exist as to what took place. It must be left to others to determine whether the author has gotten such a mastery of the Hebrew tongue that his interpretation is reliable and such a knowledge of Hebrew history that his statement of facts is reliable. Assuming that he has, the value of such a work turns upon two things: the stimulus it gives other students to pursue further a similar method in search of larger results, and second, the new viewpoint it gives to those who are trying to understand and explain our religious development. To create a scientific attitude and show how sociology may come to the aid of exegesis is a main object of the writer.

The introduction reviews the history of biblical interpretation. Dr. Wallis believes that the development of the religion really began in the contact of scattered Israelitish clans coming into contact with the settled Amorite city dwellers. This race contact worked out a new form of political organization, which is the keynote to the whole development, and which finds its biblical expression in the contest between Yahveh and the Baalim.

The volume is divided into five parts: I. The Preliminary View of the Bible Problem; II. Elements of the Bible Problem—a sketch of the Semitic peoples and the kinship, industrial and early religious institutions of the Israelites; III. Development of Bible Religion—the history down to time of Jesus; IV. The Spread of the Bible Religion—the work of Jesus, missionary activity, the formation of the Catholic Church; V. The Bible and Religion in the Modern World—the rise of Protestantism, separation of church and state, Bible study.

Though the Jewish Church arose because of social problems it forgot its origin and gave way to a new form in Christianity. In large measure the Catholic Church discarded the social problems because of control by the wealthy. "The head and center of the Reformation was in the rising merchant and manufacturing classes," but it too has rejected in large measure the social problem. Yet there is evident a widespread interest in the questions of the day.

It is to be hoped that this volume will receive the attention it deserves at the hands of ministers and Bible students. It is a suggestive and valuable work.

CARL KELSEY.

University of Pennsylvania.

WALSH, ROBERT. *Industrial Economy*. Pp. xiv, 257. Price, 6s. London: P. S. King & Son, 1912.

This book is, in the main, an inquiry into the "comparative benefits" conferred on the community by free trade and by protection. The author maintains that the British free trade system, while claiming to be free, is essentially protective and extremely partisan in that it protects the consumers but exposes the producers to unfair competition. He objects that duties are levied on coffee and tea, whereas food and clothing, which come into competition with British products, are admitted free of duty. He holds that the importation from abroad of an article which could be produced at home inflicts an injury on British citizens, who, but for the importation of this commodity, would have themselves engaged in its production. For example, all the wheat purchased from abroad could, it is claimed, be grown within the United Kingdom by the imposition of an import duty. The consequent rise in the price of wheat would lend encouragement to this industry. The resulting extension of this industry would permit increased taxes and wages, and would provide healthy occupation for the industrial population. The consumer would, in his opinion, be compensated for the rise in the price of wheat by the abatement of some other tax, and by the enhanced earnings which would result (as he attempts to show by an elaborate set of tables) from the establishment of the new industry. A further effect of the import duty would be a rise in British agricultural rents. This, however, would not be unwelcome to our author, since he holds that the present system penalizes the owners

and cultivators of land in order that the consumers may secure their products more cheaply.

The practice of "buying in the cheapest market" is characterized as a form of absenteeism in industry which injures the industrial population, in that it deprives them of a larger sum in wages than the amount they save by purchasing cheaply. The objection that protection may simply result in a diversion of labor from a more profitable industry to one less profitable is met by an assertion that there will be more work to do than before the new industries were commenced, and that there must, therefore, be an increased demand for labor and larger sums to be distributed in wages.

The author, who is urging a return to the old system of protective duties on grain (though he makes no reference to the bitter Corn Law agitation) and on all articles which could be produced in the United Kingdom, concludes by complaining that the state at present is not managed in the interest of its citizens, but rather to conform to the opinions of "theoretical doctrinaires in economic science."

ELIOT JONES.

Harvard University.

WORSFOLD, W. B. *The Union of South Africa.* Pp. ix, 530. Price, \$3.00.
Boston: Little, Brown & Co., 1913.

Among the many excellent works dealing with the British colonies, this description of the latest union within the empire stands in the first rank. Mr. Worsfold first discusses the physical characteristics of the country, now being overcome to an extent which surprises even those who have seen its many sudden transformations. Nowhere have modern engineering and medicine performed more remarkable feats than here.

Three chapters on the historical connection between South Africa and Europe introduce the discussion of the present form of government. This portion of the work is written with clearness and contains a number of instructive and valuable comparisons with political institutions of other countries. The effort to secure the advantages and avoid the defects developed elsewhere is well discussed.

Next are treated Rhodesia and the native territories. The account of the work of the British South Africa Company especially during recent years in the building of railroads, now extending over one hundred miles into the Congo Free State, in maintaining order, encouraging agriculture and in the financing of their work, shows what exceptional success has attended the use of private initiative as a means for forwarding governmental policies.

For most of his readers doubtless the latter half of the author's book is the more interesting. The industrial development and the social and political conditions bear so strong a contrast to development elsewhere that they make South Africa a colony without a parallel. Curiously though the object of original settlement four centuries ago was to provide a victualing station, South Africa to-day does not raise sufficient foodstuffs to supply her own wants. South Africa, especially the Transvaal, to which the majority of European immigration is now

directed, depends for her prosperity on gold and diamonds which form almost eighty per cent of her exports and are the basis of both public and private income. Thirty-four per cent of the world's gold production came from the Transvaal in 1910. In diamond production all other countries are negligible but the amount put on the market is limited to the demand. On the average stones to the value of \$25,000,000 yearly are sold, two-thirds going to the United States. But agriculture is making a beginning which it is hoped will make the country a factor in the world's trade in cotton, wool, meats, hides, wine, sugar, tea, tobacco and fruit.

Extensive aid is given by the state to agriculture, communications and education. The state railways yield profits of over \$16,000,000 after paying interest on the investment in a country only starting on its development. Education has been aided by large bequests and the provision of schools for the white population is excellent. Immigration, the great need of the country, is now receiving increased attention from the government.

Mr. Worsfold has given us one of the best written analyses of South African conditions. It is one of the most valuable of recent books on the British overseas possessions.

CHESTER LLOYD JONES.

University of Wisconsin.

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